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ABSTRACT

In order to encourage more citizen action and public awareness in broadcasting, this guide enumerates the step-by-step procedures that citizens must take to deal with the Federal Communications Commission (FCC). The guide exhaustively reviews the policy areas where current FCC television and radio licenses are vulnerable to public scrutiny. It recommends actions that a community group might take to either resolve broadcasting problems by negotiations with the offending station or seek FCC disciplinary action directed at the station. However, most of the guide devotes itself to the administration of the license renewal process. It describes the broadcasters programing responsibilities and how these should be presented to the FCC. Of particular utility is the presentation of the FCC forms and the accompanying guide for filling them out properly. The forms pertain to applications for both commercial stations and non-commercial educational stations. A final chapter discusses the Equal Employment Opportunity law and how it applies to broadcasters both in essence and in practice. (MC)

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GUIDE TO UNDERSTANDING BROADCAST LICENSE APPLICATIONS & OTHER FCC FORMS

Ralph M. Jennings

EM 010 971

November, 1972

Office of Communication, UNITED CHURCH OF CHRIST
289 Park Avenue, South, New York, N.Y. 10010

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GUIDE TO UNDERSTANDING BROADCAST LICENSE RENEWAL APPLICATIONS AND OTHER FCC FORMS

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Marcella Kerr has been responsible for the painstaking editorial supervision that has made the guide a reality. She also prepared the final chapter concerning FCC employment rules.

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INTRODUCTION

Every three years America's 8,000 television and radio stations must apply to the Federal Communications Commission for renewal of their licenses to operate over the public airwaves.

Every three years, under the law, each commercial broadcaster is required to ascertain the "problems, needs and interests" of the community he serves. After conducting this "ascertainment study," he submits to the FCC program proposals to meet the needs uncovered.

Before renewing a license the FCC is legally required to determine that a station has indeed served the "public interest." It bases its judgment on the station's past programming record, on its ascertainment study describing the community's needs, and on the adequacy of the programs it proposes.

Most people are not aware that each local broadcaster makes promises in their behalf, and they never see the applications promising service to the community. They do not realize that the American system of broadcasting requires active public participation to insure the broadcaster's responsiveness to community needs.

Lacking the intervention of a public aware of its rights, the FCC renews broadcast licenses automatically. Until recently it rarely called broadcasters to account for the program proposals they submitted. It noted only those infractions having to do with technical engineering matters, rather than programming, or such minor details as failure to complete application forms properly. It is unlikely to try to correct even the most flagrantly inadequate service.

Thus, with neither the public nor the FCC requiring them to meet the public interest responsibilities which should be their primary interest, most broadcasters simply maximize profits at the expense of service.

Both the FCC and the broadcasters need a responsible and probing public pressing for reform.

FCC Commissioner Nicholas Johnson and former Commissioner Kenneth A. Cox have consistently dissented from the wholesale renewal of broadcast licenses. They have conducted independent research into the performance of stations and have issued reports on their findings.[1]

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[1]These studies include: Broadcasting in America and the FCC's License Renewal Process: An Oklahoma Case Study, 14 FCC 2d 1 (1968); New York State License Renewals, 18 FCC 2d 268, 269, 322 (1969) and District of Columbia, Maryland, Virginia, West Virginia Broadcast License Renewals, 21 FCC 2d 28 (1969).

In a study of 1968 license renewal applications, in Oklahoma, they stated:

> The basis of American commercial broadcasting is local service--local news, enlightened presentation of local controversial issues, local talent, and a community dialogue. On this foundation we have built a system of seven thousand five hundred local radio and television stations, to which we have contributed 95 percent of the most valuable frequency space owned by the public. After a three month evaluation of the programming of a sampling of American radio and television stations we must report that this foundation is shaky indeed.

They concluded:

> --that the programming product of these local stations is, in greatest measure, television entertainment from New York and Los Angeles, nationally distributed recorded music entertainment for radio, and nationally distributed news for radio and television from networks and wire services;
>
> --that there is little, if any, relevant information about local radio and television stations usefully collected, readily available and widely used by local citizens;
>
> --that in spite of the numbers of newspapers and broadcast outlets the control of the greatest share of audience, profit, and political power lies in the hands of very few;
>
> --that the "local surveys" are, almost without exception, useless to the broadcaster, the community, and the Commission, and that the listening and viewing public is almost totally excluded from, and uninformed about its rights in, the station's program selection process;
>
> --that the Commission is making virtually no use of the information it is now receiving from licensees in the renewal forms.

A broadcasting station is licensed to serve a specific city and the immediate geographic area reached by its signal. The public within this "service area" has the responsibility as well as the right to make certain that the station serves the public interest. No one outside the community can perform this task.

The public's right to intervene before the FCC was established in 1966 when the United States Court of Appeals for the District of Columbia ordered the FCC to give standing in its proceedings to representative groups of citizens. The court's opinion involved WLBT-TV, Jackson, Mississippi, a station which ultimately lost its license for discriminating against blacks. The decision was written by Judge Warren E. Burger,

now Chief Justice of the United States. Racial minorities, senior citizens, women, educators, labor unions, religious organizations, and other groups now have the opportunity to seek adequate broadcast service that will fulfill their needs and interests.

FCC Chairman Dean Burch has called the development of citizen participation "most significant" and one that is here to stay.

The public enters the broadcasting arena with certain advantages. Thoughtful local citizens are in a good position to assess the program proposals a station makes in its license renewal application since they possess firsthand knowledge of their community's needs and also of the broadcaster's performance in meeting them.

Another advantage on the side of the public is that public interest groups have become a force to be reckoned with. The activities of consumer protectionists and ecologists are now widely known. They are achieving their reforms through legal and democratic processes. Across the country hardworking citizens who have focused their efforts on inadequate broadcasting have brought about improved television and radio service for the whole community. It is an uphill endeavor that requires commitment for months and sometimes even years.

The most effective campaigns have been those conducted by citizen groups which have been representative of many different elements in the community. One of the most inclusive agreements yet reached between citizen groups and local broadcasters resulted from the work of a coalition in Dallas and Ft. Worth, whose members were blacks, Chicanos, Indians, and whites.

The first problem is how to begin. A good start is simply to ask questions, to learn what is meant by the "public airwaves," and how you can make your voice heard. The next step is to study what is on the air. An important way to let the broadcaster know that the public is concerned is to evaluate station performance.

A number of actions can be taken to bring about change. They include writing letters of complaint to stations, networks, and the FCC; conferring with station management on proposed improvements; filing petitions to deny license renewal; or filing competing applications for a broadcaster's facilities. All of these actions require a thorough knowledge of the station and skill in using the information at hand.

This guide is designed to help citizens make the most effective use of the data available to them. It is intended to supplement publications distributed by the United Church of Christ Office of Communication and other resource groups which explain in detail the American system of broadcasting and the role of the public in making it work.

Current publications on citizen activism in broadcasting -- Guide to Citizen Action in Radio and Television, How to Protect Citizen Rights in

Television and Radio, and Racial Justice in Broadcasting -- are available from the Office of Communication of the United Church of Christ, 289 Park Avenue South, New York, New York 10010. Other organizations offering assistance are listed in Appendix A.

II. HOW TO GET STARTED

Group Organization

A sound organization requires both leadership and dedication. Initially your organization can be informal and flexible, but it will need strong and respected leadership. It should authorize a chairman to act on its behalf.

The public interest causes which brought the organization together should take precedence over personal objectives. Statements made on behalf of the group should have the support of the membership. Members should agree not to make public statements as individuals or to pursue unilateral action. You should gather all needed data and agree upon a policy before you make contact with representatives of the FCC, the broadcasting stations, or the press.

Some Helpful Points

Broadcasting in Your Community. You must be aware of the potential benefits of television and radio broadcasting. Have the local stations done everything possible to foster discussion of your community's political, social, educational and cultural problems? Could they provide greater coverage of them? Have they left significant areas of community life untouched?

The people who run the station may be likeable, but if they produce inadequate programming week after week, year after year, they do not deserve your support.

Your Rights and Responsibilities. Not only is the public entitled to service, but it is responsible for getting it. People indifferent to the service they receive have few grounds for complaint. You can promote improved service by interacting with the government and the private broadcaster.

Broadcasters are granted temporary, limited, and conditional use of the public's airwaves. Although engaged in private, competitive enterprise, they must subordinate their quest for profit to the public interest.

The Stations in Your Community. Become familiar with the performance of each station with which you plan to deal. You will need to listen and view systematically. You will probably find it useful to write comments on programming and to tape record radio programs and the sound portion of television programs for at least a week's time. (Be sure to mark tapes and notes with the date and time of each broadcast and the name of the person doing your recording. Evaluate carefully the material collected. Pay

close attention to the programs directed at minority needs and the adequacy of news and public affairs programming.

License Renewal Applications. Study each station's license renewal application. It is available for public inspection at the studio. How does the information in the application compare with what you know about community needs, the station's service potential, and present programming? Has the station fulfilled the promises made in its application of three years ago? Has it ascertained the needs and interests of all the people in the community? Are its program proposals adequate?

Station Employment Practices. FCC rules require each television and radio station to provide equal employment opportunities, to report annually on its employment practices, and to file an equal employment opportunity plan with its license renewal application. Documents containing this information are also available at the station for public inspection. Do the broadcasters employ women and members of the minority groups in your community?

Program Service. After gathering information, draw conclusions about the strengths and weaknesses of the service provided. Are there positive elements to be encouraged? Is improvement needed? Has the station neglected its responsibilities?

Goals for Improvement. Draft proposals for change specific to each station you plan to deal with. (Since you will continually refine your goals, the improvements you actually work for may differ somewhat from those you originally draw up.) You may decide to limit your attention to a few stations having significant contributions to make or serious deficiences to be corrected.

A Course of Community Action. Develop a reasonable course of action likely to produce tangible results.

If a station's service is satisfactory, you may want to express your approval, perhaps by meeting with station management and then writing a letter. Your letter should delineate clearly the practices you approve, since some stations tend to interpret positive statements broadly in their own publicity or in FCC filings. Be as positive as you wish, but do not say more than you intend.

If dissatisfied with the station's service, seek improvement. Before meeting with station executives, prepare a specific list of the goals most important to you.

Meeting With Station Management

Your evaluation will have given you concrete information to bring to the station's attention. The station may not immediately accept what you have to say, but you need not be shaken if it contradicts you or seems

about to overwhelm you with its own voluminous records. Remember that station management chooses its information selectively and that its claims often fail to hold up under close scrutiny. If you have done your preliminary work well, you cannot be ignored or discounted.

Do not seek only solutions to immediate problems but work for long-range goals as well. You will need to lay the groundwork for an ongoing relationship between public and broadcaster.

Your objective is to have the station file a written agreement with the FCC as an amendment to its license renewal application. The agreement will embody promised improvements in programming and in employment practices. When your negotiations have yielded an agreement, have a lawyer examine it before you sign. Failure to have a legal review may cost you dearly.

Representative citizen groups in several cities have reached agreements with broadcasters that have improved programming and employment practices. One such agreement, which exemplifies the kind of change possible, was worked out by the Greater Dallas-Ft. Worth Coalition for the Free Flow of Information and station KDFW-TV. It is a good model for negotiations. Circumstances in your community may require different terms, but your agreement should be as specific as this one. See Appendix B.

Legal Action

Before taking any legal action, seek the assistance of an attorney who has some knowledge of the FCC. The station certainly will clear its actions with its lawyer; your activities deserve no less care.

Informal Requests for Commission Action. A citizen group may informally request the Commission to act on a station's practices, perhaps because of violations of the "Fairness Doctrine," discriminatory employment practices, or violations of rules governing personal attacks or political editorials. Such requests may be filed at any time.

FCC Section 1.41, which applies to "Informal Requests for Commission Action," states: "Requests should set forth clearly and concisely the facts relied upon, the relief sought, and statutory and/or regulatory provisions (if any) pursuant to which the request is filed and under which relief is sought, and the interest of the person submitting the request." A complaint concerning a personal attack, for example, needs to include: the station and its location; name of the person attacked; date and time of the attack; the controversial issue of public importance that was discussed and reasons why the subject matter was important; what provisions of the personal attack rule were not followed[1]; the fact that Commission action is desired to bring about compliance with the rule; and what action is wanted.

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[1]Did the station fail to notify the person attacked? Did it give him a copy of the attack? Did it offer time to reply?

The FCC rarely, if ever, conducts any independent investigation. Usually it requests an explanation from the station. If you file a complaint which lacks specific facts or is vague about the relief desired, the Commission may ask you for further information.

You will save time if you send the broadcaster marked carbon copies of letters written to the FCC. Respond promptly to all correspondence, and point out errors in statements made by the broadcaster or his attorney. This process may take weeks or months, so persistence is mandatory.

The station may eventually decide to comply with your wishes simply to end the matter. If it does not, the Commission may act in your favor.

Informal Objections. (FCC Section 1.587) FCC remedy can also be sought by filing "informal objections" to the granting of applications before the Commission. Informal objections, which are really simple letters of complaint, may be filed at any time before the Commission acts upon the application in question.

Informal objections provide a milder recourse to citizen groups who wish to register displeasure on issues but do not want to file a complex petition to deny renewal of the license. Since the FCC may defer the granting of an application while considering an informal objection, the station may choose to improve its service before the FCC acts upon the objection. Frequently a station will amend its application to reflect such changes. Be aware of the station's filings so you can comment on them to the FCC, if necessary.

When filing informal objections, you would be wise to adhere to the FCC standards set for petitions to deny. The FCC is unlikely to act on objections which are not "specific allegations of fact" supported by some concrete information. You might submit a factual analysis of the station's application, along with a specific statement of deficiencies. Facts and figures will strengthen your case and convey its seriousness to the Commission.

Petitions to Deny. FCC Section 1.580 provides that, subject to specified procedures, a petition to deny license renewal may be filed against any pending application. The petition is a formal request that the FCC refuse the authority being applied for.

Section 1.580 specifies the following content requirement:

> Petitions to deny shall contain specific allegations of fact sufficient to show that the petitioner is a party of interest and that a grant of the application would be prima facie inconsistent with the public interest, convenience, and necessity. Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof.

A broadly representative citizen group should have no difficulty establishing itself as a "party of interest."

The petition to deny alleges that specified station practices are not in the public interest. It should include supporting statements from individuals who swear to their truth. The more concrete the petition, the more compelling the FCC will find it.

Petitions to deny are most often filed against applications for license renewal, but they may also be filed against applications to construct new stations or applications to assign or transfer licenses.

Petitions to deny license renewal must be filed on or before the first day of the last month of the expiring license term. Most other petitions to deny must be filed within thirty days after the FCC announces (in a "Public Notice") the "acceptance" of the application. ("Acceptance" usually comes a few weeks after filing.)

In cities with a daily newspaper, applicants must publish as well as broadcast notices "at least twice a week for two consecutive weeks within the three-week period immediately following the tendering for filing of such application. . ." (FCC Section 1.580). In smaller cities with weekly papers, this requirement is modified somewhat. Check the renewal and filing dates for the stations you are interested in with the FCC's Office of Information (202-632-7260).

The applicant is allowed ten days in which to file an "Opposition to the Petition to Deny." In turn, the petitioner is allowed five days in which to file a "Reply to the Opposition" (Section 1.45).[2] In some cases, particularly when both applicant and petitioner request them, the FCC grants extensions of time for filing these additional documents. Oppositions and replies are filings "in which allegations of fact or denials thereof should be supported by affidavit of a person or persons with personal knowledge thereof" (FCC Section 1.580). The Reply to the Opposition allows the petitioner to further support his original allegations and to counter the station's defense. No new issues may be raised.

An original and fourteen copies of petitions and replies must be filed with the FCC, and the station and its attorney must be served with copies of these documents.

Competing Applications for Existing Stations' Facilities. An individual or a group may challenge the license to a certain frequency held by an existing broadcaster by filing at renewal time its own application for

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[2]Follow the FCC's procedures for computing time schedules. Do not count the day from which the computation is measured. When the time allowed is less than seven days (as in replies), weekends and holidays do not count. Three days are added when the filing party received the previous filing from its opponent by mail rather than by hand delivery. If the appointed date falls on a weekend or a holiday, the filing is due on the next regular business day. Papers must be received in the Office of the Secretary by 4:30 p.m. of the due date.

a license to use the airwaves. If the FCC grants the license to the competing applicant, the applicant displaces the existing broadcaster on that frequency.

A competing applicant must demonstrate ability and experience in broadcasting, legal qualifications, and the necessary financial resources and must ascertain community needs and propose a program service to meet them. The FCC recently stated that existing stations doing a "substantial" job would not be displaced by competing applicants, no matter how good the competing proposals sound on paper. In a recent review the U. S. Court of Appeals for the District of Columbia overturned this policy, and the FCC policy is now unclear.

Competing applications must be filed no later than the first day of the last full month of the license period. Anyone seriously considering this action should seek legal advice several months before that deadline.

Reaching an Agreement

A complaint or petition filed with the FCC can be withdrawn if the station indicates willingness to accept your proposals. Withdrawing a petition should not be done lightly.

Settlement discussions are sometimes plagued by a lack of sincerity on the part of station management, who may use negotiations to divide members of the group into opposing factions or to divert complainants from preparing to take necessary legal steps. If negotiations are underway, the station should be willing to agree, in advance and in writing, to postpone deadlines for filing if negotiations appear to be productive but have not resulted in an agreement by the deadline set.

As part of a settlement, the station will expect your petition to be withdrawn. Some compromise is inevitable. If agreement seems possible, insist that the station put policy changes in writing and file its statement with the FCC as an amendment to the pending application. Such an amendment binds the station legally to live up to the agreement.

The amendment should give exact times and days for presenting new programs. If the agreement covers employment practices, it should describe the station's present employment picture and specify the changes to be made.

During the license period following the settlement the citizen group should meet regularly with the station management to discuss how well it adheres to the agreement. You can specify such meetings in the amendment to the application filed with the FCC. You are responsible for seeing that the agreement is fulfilled. The FCC will not do this job for you, though station failure to adhere to the agreement, if well documented, could bring its intervention.

Have any settlement reviewed by an attorney before you sign it.

III. RENEWAL OF BROADCAST LICENSES

The public has the greatest opportunity for impact on broadcasters at license renewal time, when the FCC requires stations to account for their past service and to propose future programming. The FCC generally renews licenses automatically without evaluating the information its applications require stations to furnish. The public, however, can act if it believes it is not being satisfactorily served. It can take legal action as a last resort, a possibility that helps induce broadcasters to take it seriously.

Your citizen group must plan its activities to coincide with the FCC's fixed schedule of license renewals. Failure to meet FCC deadlines can cost you your present opportunity for change and force you to wait three years before acting.

License Renewal Dates

The FCC renews radio and television station licenses by state or groups of states at two-month intervals over a three-year period. A station must file its application ninety days before the license renewal date. A station whose license is scheduled for renewal on October 1, for example, must file its application by July 3. Petitions to deny license renewal must be filed "by the end of the first day of the last full calendar month of the expiring license term." The licensing period for stations in the state of Ohio, for example, ends October 1, 1973; petitions to deny must be filed by September 1, 1973.

If a station fails to file its application on the prescribed date, petitions to deny may be filed up to sixty days after the Commission issues a public notice that it has accepted the late-filed application.[1] The FCC treats late petitions as complaints. (A schedule of license renewal dates and petitions to deny license renewal is found in Appendix C.)

When citizens express interest in station performance or employment practices at license renewal time, many broadcasters believe their questions imply a threat to file a petition to deny. This implicit threat enhances your bargaining power. If you show a thorough knowledge of your rights and a constructive plan for negotiation, you may not need to file a petition. Until an agreement is written and signed, however, you should be prepared to file a petition on time. Being prepared to file is the only way to preserve your negotiating position. Most petitions are easily withdrawn when an agreement remedying the source of citizens' grievances is reached.

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[1] FCC Section 1.516(e) (1) further provides "that if the license renewal application is not timely filed. . . , the deadline. . . is the 60th day after the Commission gives public notice that it has accepted the late-filed renewal application for filing." Also, ". . . if any deadline. . . falls on a nonbusiness day, the cutoff shall be the close of business of the first full business day thereafter."

A complaint may be lodged against a station at any time, but it lacks the impact of a petition -- a fact your group should remember when planning strategy.

Well in advance of deadlines your citizen group should seek assistance from any of the several national organizations offering it. (See Appendix A.)

Where to Review Station Applications[2]

In Your Community. FCC Section 1.526 requires broadcasters to maintain applications and related materials (filed with the FCC since May 23, 1965) for public inspection, including: applications for construction permits, license renewal, transfer, or assignment of construction permit or license (to be kept by both the assignor and assignee), Ownership Reports, annual employment report forms, and related materials. Records of political broadcasts must be retained for public inspection for two years after the broadcasts are made.

Materials are to be available to the public during regular business hours at the station's main studios or at another designated location in the community, such as a public registry or an attorney's office.

Complaints about difficulty in inspecting public files led the FCC, on February 23, 1971, to issue a Public Notice underscoring the broadcaster's legal obligation to make such files readily available upon request. (This Public Notice is in Appendix D.) The FCC has ruled that the station may request your name and address when you ask to see its public file but cannot require any further information.

Bringing a copy of this Public Notice with you when you first attempt to inspect files may save you time. If station personnel are reluctant to produce the file even after reviewing the notice, it is best for you to leave and immediately notify the FCC. You may telephone William B. Ray, Chief of the Complaints and Compliance Division, at (202) 632-6968. Outline the circumstances of the refusal and request FCC intervention.

At the FCC. Some people prefer to review station files at the FCC offices in Washington, D. C., located at 1919 M Street NW, and open from 8:00 a.m. to 4:30 p.m., Monday through Friday. The Broadcast and Dockets Public Reference Room (Room 239, second floor) contains most of the information about local broadcasting stations. (Storage rooms are not open to the public.)

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[2]FCC Sections 0.441 through 0.467 pertain to "Public Information and Inspection of Records."

The reference room is flanked by service windows at the left and right of the entrance. Broadcast applications can be obtained at the lefthand counter. Requests for applications must be made out on FCC forms. Calling ahead to make sure needed materials are available may save time. The Public Reference Room telephone number is (202) 632-7566.

You will find that the Public Reference Room has a certain closed-in atmosphere. It is frequently overcrowded, filled by a regular clientele of lawyers and researchers from the communications bar, trade press, and similar organizations, and the uninitiated are likely to feel ill at ease. But you will find that persistence and patience usually get you the needed materials.

Applications and exhibits relevant to each radio and television station are bound in separate folders. If you are interested only in the latest filed or pending application, note on the request form the date of the application you want.[3]

Annual equal employment reports (Form 395) are maintained by the Research and Education Division in the FCC Annex at 1229 20th Street NW, a short distance from the main offices. You may inspect forms in Room A-340. You can inquire about the availability of forms by telephoning (202) 632-6302.

The Broadcast Bureau's Complaints and Compliance Division maintains a complaint file for each radio and television station. Most files are open to the public except for letters being investigated or those whose writers request confidentiality. Make arrangements in advance so confidential material can be removed (telephone 202-632-6968). You may inspect complaint files in Room 332 at the FCC's M Street offices.

Ownership Reports are available through the Renewal and Transfer Division of the Broadcast Bureau (Room 316).

Composite Week program logs are also available through the Renewal and Transfer Division, Control Section (Room 331). Logs generally are available only during the three-month license renewal period (from the date the application is filed to the date the renewed license is granted).

Persons seeking general FCC information, copies of recent Commission actions, press releases, or Public Notices should consult the Office of Reports and Information (Room 202). You can request such materials by telephoning (202) 632-7260.

If you wish to make a telephone inquiry but do not know the FCC division number, request it from the Government Information Operator (202) 655-4000.

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[3] Docketed hearing files and rulemaking proceedings also may be examined in the Reference Room. They are requested through the window at the right of the entrance.

Getting Copies of License Applications. You may want to work with your own copy of a station's license renewal application. You can get copies in two ways.

The FCC's Public Reference Room has coin-operated copying machines which charge ten cents per page. If you wish to use them, you will find that change is sometimes available from an employee in the rear of the reference room. You can also get it from the bank on the ground floor of the Commission building.

The FCC also retains an exclusive contractor, Keuffel and Esser, Inc., to copy its documents. They charge twelve cents per page, plus a service fee for handling and mailing. If you order files by mail, they may request a research fee of $7.50 per hour for locating the material. A company agent is usually in the reference room. Copies made for persons who do not have an account with the company are shipped COD. Unfortunately, service is frequently extremely slow and work sometimes badly done. Check all copies for completeness and accuracy as soon as you receive them. Keuffel and Esser's address is:

1521 North Danville Street
Arlington, Virginia 22201
Telephone: (703) 524-9000

To promote efficient service the FCC has appointed a liaison officer to receive information on delivery, quality, pricing discrepancies, and other matters relating to Keuffel and Esser's performance. You may reach the liaison officer by writing to:

Contract Officer's Technical Representative
Room A-104
Commission Annex Building
Washington, D. C. 20554
Telephone: (202) 632-6409

Stations are not required to copy applications for the public, though public interest groups are proposing that they should be.

FCC Broadcasting Policies

Know the broadcaster's responsibilities.

Certain FCC policy statements and rules explaining what the FCC expects of the broadcaster will be useful to you. You can get free copies from the FCC Office of Information, 1919 M Street NW, Washington, D. C. 20554. Simply specify the title and the FCC number in parentheses given here

NEWS
Federal Communications Commission
1919 M Street, NW.
Washington, D.C. 20554
Public Notice

For information on releases and texts call 632-0002

March 29, 1973 - G

99480

PUBLIC RECORDS DUPLICATION CONTRACT AWARDED TO INFORMATION PLANNING ASSOCIATES, ROCKVILLE, MD.

Information Planning Associates, Inc. of Rockville, Md., has been awarded a one year contract for research and duplication of FCC public records.

Information Planning will have the exclusive right to copy and sell all FCC records available to the public under the Freedom of Information Act. The contract begins April 1, 1973, and runs through March 31, 1974.

Duplication prices will be 8½ to ten cents a page, depending on page sizes. A research fee of $5 an hour will be charged for time spent in retrieving records from FCC files. The charge will be pro rated for shorter time periods. Shipping or mailing costs will be invoiced at actual cost. A minimum order is $2. The charge for public use of coin-operated copy machines is ten cents a page.

Regular service under the contracts provides for mailing copies within five working days after an order is received, if the document is available in FCC files. If the document to be duplicated has to be recalled from the Federal Records Center, up to nine working days may be required.

Premium service is available for an additional 25 percent charge. This service provides for mailing copies within two working days after the order is received, for documents in FCC files. Premium service may require up to six days, if documents to be duplicated must be recalled from the Federal Records Center.

The contractor will notify the customer by mail if the delivery requirements cannot be met.

Information Planning Associates is at 310 Maple Drive, Rockville 20850, telephone 301 340-0250.

Matters concerning delivery, quality, pricing discrepancies or other service provided under the contract may be addressed to the technical representative for the contract, FCC Procurement Division, Washington, D. C. 20554, Attention COTR - Duplication of Public Records Contract. To telephone call 632-6409.

- FCC -

The FCC has recently changed copying contractors. Please substitute the information above for that found on page 14 of this guide.

(for example, FCC 99-999). Citations, when available, also are given for the Federal Register (FR), available in many libraries, and for FCC Reports.

Useful documents are:

The Public and Broadcasting -- A Procedural Manual (FCC 72-829); 37 FR 20510 -- outlines roles of the broadcast station, the FCC, and the citizen, as seen by the FCC. Also describes procedures available to the citizen and provides some practical advice about their use. The FCC published this document in September, 1972, to "encourage participation by members of the community" and to direct it along lines "most effective and helpful to the Commission"; it may be helpful but should be used in conjunction with publications produced by independent citizen groups.

Report and Statement of Policy Re: Commission en banc Programming Inquiry (FCC 60-970); 25 FR 7291 -- is the FCC's general policy statement on the broadcaster's programming responsibilities.

Primer on Ascertainment of Community Needs and Interests (FCC 71-176); 29 FCC 2d 650 -- explains the broadcasters' obligation to survey their communities before proposing programs in license renewal applications.

Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance (FCC 64-611); 29 FR 10416; 40 FCC 598 -- in question-and-answer form explains the Fairness Doctrine.[4] This document is commonly called the "Fairness Primer."

This book includes copies of:

Personal Attack Rule (Section 73.123 and following) -- defines the personal attack rule which, as part of the Fairness Doctrine, sets guidelines on reply time for persons or institutions attacked over the air. Applies to all commercial and non-commercial television and radio stations. (See Appendix E.)

Equal Employment Opportunities Rule (73.125 and following) -- Chapter VIII of this guide discusses FCC employment rules and the filings required from licensees. (See Appendix H and I.)

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[4]Recent demands for time under the Fairness Doctrine, particularly to reply to product advertising, has led the FCC to begin a wide-ranging review of the Fairness Doctrine. (A "primer" on equal opportunities for political candidates may be obtained from the FCC. Ask for Use of Broadcasting Facilities by Candidates for Political Office (FCC 66-386); 35 FR 13048; 24 FCC 2d 832. Additional guidelines reflecting recent changes in the law are explained in Use of Broadcast and Cablecast Facilities by Candidates for Public Office (FCC 72-231); 37 FR 5796; 34 FCC 2d 510.

Other Information About the FCC and Broadcasting

Reading the broadcasting trade press is one way to keep up with FCC happenings. Broadcasting Magazine is the leading trade paper. Although it is written from the industry's point of view and often shares its hostility toward citizen group efforts for reform, it is the most comprehensive weekly source of FCC and industry information. Its publisher also issues the annual reference books Broadcasting Yearbook and Broadcasting Sourcebook: CATV. You can get subscription information from Broadcasting Publications, Inc., 1735 DeSales Street NW, Washington, D.C. 20036.

Variety, the show business weekly, covers radio and television in detail. Its reporting is succinct and lively.

FCC Rules and Regulations. Commission Rules and Regulations cover all FCC activities. Only Volumes I and III are related to broadcasting. The U.S. Government Printing Office publishes them on a subscription basis.[5] Charges cover the initial printing and periodic mailings of replacement pages.

In Volume I, Part 0, "Commission Organization," and Part 1, "Practice and Procedure," deal with Commission organization, information available to the public, and rules for filing complaints, petitions to deny license renewal, and petitions for rule making. Subscriptions cost $4.00.

In Volume III, Part 73 covers rules applying to commercial and noncommercial educational standard broadcast, FM and TV stations. Part 76 includes rules governing CATV systems. Subscriptions cost $7.00.

FCC Reports. The Commission's formal decisions, letters, and policy statements are published in FCC Reports, issued weekly as pamphlets and available on a subscription basis from the U.S. Government Printing Office for $14.00 per year. Hardbound volumes are also available.

Federal Register. Publishes important changes in FCC rules, notices of proposed rule making, and significant policy statements.

Communications Act of 1934. The U.S. Government Printing Office distributes copies of the Act and two packets of recent amendments, plus a few relevant sections of other Federal statutes. The cost for all these documents is $2.55. (Most lawyers have this material in their libraries, codified as Title 47, U.S. Code.

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[5]You can order documents from the U.S. Government Printing Office, Washington, D.C. 20402.

FCC Annual Reports. Published at the close of each fiscal year, these documents provide essays and chronologies of FCC activities, statistics on political broadcasts, financial data, and other valuable facts. Order from the U.S. Government Printing Office.

Pike and Fischer Radio Regulation. This publication, available from 1726 M Street NW, Washington, D.C. 20036, contains information about FCC-related activities. Written for lawyers, its weekly reports are used for citation purposes because they are available earlier than official FCC Reports (citations to "RR" in FCC documents refer to Pike and Fischer Radio Regulation). This service is expensive, and you will probably not need it.

Press Releases and Public Notices. Twice a day the FCC releases Public Notices and press releases about Commission business and copies of speeches made by Commissioners. They are available for pick up at the FCC Office of Reports and Information. FCC releases are mailed daily to subscribers by Chittenden Press Service (1067 National Press Building, Washington, D. C.), for a $15.00 monthly fee.

The FCC recently established a telephone service providing recorded information about Commission actions. You can reach it by telephoning (202) 632-0002. Reports are at 11:00 a.m. and one at 3:00 p.m.

IV. THE BROADCASTER'S PROGRAMMING RESPONSIBILITIES

Two documents set forth the FCC's programming requirements: the "1960 Programming Statement,"[1] which outlines general programming policies, and the 1949 "Editorializing Report" popularly called the "Fairness Doctrine,"[2] which defines policies on the broadcasting of controversial issues of public importance. These policy statements have been modified and amplified through Commission rulings in specific cases and through court decisions.

The Communications Act of 1934 forbids the FCC to censor or to infringe upon the First Amendment right of free speech. Yet the Act also requires the Commission to regulate broadcasting in the "public interest, convenience and necessity," and the courts have consistently sustained its authority to insure that broadcast service meets the needs of the public.

The 1960 Programming Statement

The broadcaster, declares the FCC, is a "'trustee'. . .to serve the public interest in the community he had chosen to represent." He is given the authority to select all material broadcast, both programming and advertising. The FCC plays the self-limited role of selecting broadcast licensees and of reviewing their operations "from time to time" to determine whether the public receives the service it is entitled to.

The licensee, "with the guidance of those whom his signal is to serve," is responsible for the programming which will best serve any particular community. The FCC does specify that the station must consult two groups: the listening public and community leaders. The broadcaster's effort to know his community's needs and to program for them is to be a continuing one, made in good faith -- not an empty ritual performed at license renewal time. The licensee cannot delegate this personal responsibility to anyone else.

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[1] Report and Statement of Policy Re: Commission en banc Programming Inquiry (FCC 60-970); 25 FR 7291.

[2] Report on Editorializing by Broadcast Licensees, 13 FCC 1246 (1949). Reprinted in Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance (FCC 64-611); 29 FR 10416; 40 FCC 598.

In planning programming, the broadcaster is required to consider the following factors, which the FCC says are "usually necessary" to meet public interest, needs and desires.

1) Opportunity for Local Self-Expression
2) The Development and Use of Local Talent
3) Programs for Children
4) Religious Programs
5) Educational Programs
6) Public Affairs Programs
7) Editorialization by Licensees
8) Political Broadcasts
9) Agricultural Programs
10) News Programs
11) Weather and Market Reports
12) Sports Programs
13) Service to Minority Groups
14) Entertainment Programming

Often advertisers are not attracted to important types of programming: religious programs, programs serving nonprofit organizations, experimental presentations, and those which devote attention to minorities or treat controversial issues. Stations, to fulfill community needs, may have to broadcast such programs on a "sustaining" basis, that is, without commercial sponsorship. Despite the need for such programs, the FCC in 1960 dropped its category of "noncommercial public service programs" and thereby eliminated a major incentive for providing sustaining public service programs. Since the FCC does not provide any inducement, citizen groups may have to encourage broadcasters to provide needed programming which does not attract commercial sponsorship or which serves the needs of groups unable to pay for time.

The Fairness Doctrine[3]

The Fairness Doctrine was developed in 1949 in response to the desire of some broadcasters to "editorialize."

The doctrine stresses the paramount right of the public to be informed. The FCC holds that the public's need for news, commentary, and opinion can be met only by its being able to consider and accept or reject "varying and conflicting views held by responsible elements of the community." Accordingly, the FCC requires licensees to devote "a reasonable percentage" of their broadcast time to news and public issues in the communities they serve and to foster full and many-sided discussion of important controversial issues.

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[3]The Fairness Doctrine is distinct from Section 315 of the Communications Act of 1934, which provides "equal time" for political candidates.

The Commission makes clear that broadcasters must make enough time available for full discussion of all subjects important to the community, without regard to their own personal views and opinions or the degree of unpopularity of the views aired by participants. Their facilities are to be available "for the expression of the contrasting views of all responsible elements in the community on the various issues which arise."

Broadcasters are not required to provide time to everyone who wants to get on the air but instead must select among issues and spokesmen to be presented. They are to make their choices on the basis of the public interest, not personal or political considerations. Radio and television, as media for freedom of speech and freedom of discussion, are to be maintained for the people of the nation as a whole.

The broadcaster also must make a conscious and positive attempt to give balanced presentations of opposing viewpoints. No one all-embracing formula can insure fair and balanced presentation of all public issues, so he must exercise "his best judgment and good sense" in determining the subjects to be considered, the shades of opinion to be presented, and the spokesmen for each point of view.

The broadcaster must present the facts of a controversy as completely and impartially as possible. Although he has the right to express his own views as part of a general presentation of different opinions on particular controversies, he cannot distort or suppress basic factual information. He is not required to present all the facts at one time or to balance the content of each individual program.

The FCC does require that time be allotted to persons or groups specifically attacked over the station.[4]

The Commission holds that editorializing is consistent with the licensee's duty to operate in the public interest only when it is done "in conformity with the paramount right of the public to hear a reasonably balanced presentation of all reasonable viewpoints on particular issues."

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[4]The personal attack principle, as applied on a case by case basis, was codified into a "Rule" by the FCC in 1966. The broadcaster who carries an attack on the "honesty, character, integrity or like personal qualities of a group or individual" during the discussion of a "controversial issue of public importance" must within one week notify those attacked, supply them with a copy or summary of the attack and offer reasonable time to respond. A copy of the Personal Attack and Political Editorial Rule, 73.123 and following, appears in Appendix E.

Ascertainment of Community Needs[5]

The FCC has provided guidelines for conducting ascertainment studies of significant community "problems, needs, and interests."[6] In February, 1971, it issued a "Primer on Part I, Section IV-A and IV-B of Application Forms Concerning Ascertainment of Community Problems and Broadcast Matter to Deal With Those Problems" (Docket 18774). The "Primer" explains requirements for conducting ascertainment surveys, means to assure that they are representative and standards for program proposals.

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[5]The FCC has issued a notice of inquiry (FCC 71-156; Docket 19153) and has received comments from industry and public groups on its proposal to revise Section IV-B, Statement of Television Program Service. If the proposal were adopted, television stations would no longer submit to the FCC detailed community surveys of the needs and problems of their service areas. Instead, they would inform the Commission of their service area's ten most pressing problems and outline programming relevant to them. The plan outlines other changes, including a yearly filing supplementing Section IV-B and the broadcasting by all television stations of announcements intended to inform the public of its rights in broadcasting.

The FCC proposal has been disputed by public groups who fear that the elimination of community surveys will further insulate the broadcaster from the people served and will remove an important yardstick community leaders have begun to use in measuring the effectiveness of local broadcast service.

The Commission has indicated that it will issue subsequently proposed revisions in Section IV-A, the statement of program service for radio stations. It is also considering changes in the Section IV requiring non-commercial educational stations to provide more detailed program proposals and presentations. No formal action has been initiated in these latter two areas, however.

Until new forms are actually put into service, all stations will continue to use the present Section IV, Statement of Program Service appropriate to their services. Even after new forms are issued, stations will have to meet the terms of their existing licenses applied for on the Section IV in use at the time of that application.

[6]Applicants for construction permits for new stations or changes in existing stations, for construction permits for satellite stations, and for assignment or transfer of stations must also perform ascertainment studies.

First, using reliable data (not long term residency in or knowledge of the area), the applicant must describe in detail his community, outlining its minority, racial, or ethnic breakdown, its economic and governmental activities, public service organizations, and "any other factors or activities that make the particular community distinctive." On the basis of this overview, he selects the leaders to be interviewed. Although responsible primarily to the community of license, he must also study significant outlying communities within the service area. Suburban stations must emphasize their community of license, not adjacent urban areas.

Station "principals" or management-level employees are to conduct the ascertainment interviews. Since the community leader survey is to establish a dialogue between the station's decision-making personnel and community leaders, it cannot be conducted by any outside research organization. Consultations should be held with leaders of groups and organizations representing "various economic, social, political, cultural, and other elements of the community, such as government, education, religion, agriculture, business, labor, the professions, racial and ethnic groups, and eleemosynary organizations."

The Commission reminds applicants that the groups having the greatest problems may be least organized and have the fewest recognized leaders and that the broadcaster may need to make exceptional efforts to identify their leaders. The FCC requires no set number of interviews, but warns that omitting a significant group would make the ascertainment study defective.

Each leader interviewed is to be identified by name, position and organization. The applicant has the option of indicating which leader mentioned which problems.

Although the FCC originally required face-to-face interviews between individual broadcasters and individual community leaders, it now approves meetings taking place between groups of leaders and broadcasters. The meetings must be conducted with community leaders who are on the same or equal plane of interest or responsibility; each individual leader must be given an opportunity to present freely his opinions of community problems; and "each broadcaster present must have the opportunity to question the leader."[7]

Members of the general public are to be surveyed "to further ascertain community problems which may not have been revealed by consultations with community leaders." Although the applicant is to base this

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[7] Letter to Southern California Broadcasters Association, Inc., June 30, 1971 (FCC 71-699); 32 FCC 2d 705.

survey on a "random sample," he is also encouraged to conduct "further consultations with a particular group" to elicit viewpoints that will give him additional insight into its problems. No set number of interviews is prescribed. Although the applicant can use a research organization to conduct the general public survey and can collect data by asking participants to fill out a questionnaire, he is ultimately responsible for the results.[8]

Applicants are warned that failure of their initial survey attempts to elicit community problems does not mean such problems do not exist. They are advised to reexamine their techniques and to ask further questions, making sure interviewees know the purpose of the inquiry and that interviewers request information about community problems rather than mere program suggestions.

The applicant's next step is to list all community problems ascertained (except those which are "clearly frivolous"). He need not evaluate their relative importance or timeliness or the extent to which broadcast matter can be produced to meet them. Neither is he required to plan programs to meet all problems, although showing an overall lack of responsiveness to community problems would raise serious questions, and planning programs for only one or two problems would require him to establish his proposal's validity. The applicant is to give more weight to the relative importance and immediacy of a problem than to the number of people it affects.

Finally, the applicant must indicate what programming he proposes to meet what problem, naming the problem and describing the program, giving the anticipated time segment, duration, and frequency of broadcast. If he proposes to use only announcements to meet community problems, he must establish that they are the most effective means of fulfilling his obligations. A "significant proportion" of time is to be devoted to community problems, but the applicant is given discretion to determine the specific amount. He is to schedule programs according to his "good faith judgment" of when they can reasonably be expected to be effective.

Station editorials can qualify as programming to meet community problems. News programs cannot be relied upon exclusively since they are factual reports not designed primarily to meet such problems.

The FCC forbids applicants to claim community activities other than programming as evidence of their service. It stresses the need for ongoing community ascertainment and states that stations may sometimes need to modify their programming to meet new community needs.

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[8]The FCC modified the "Primer" on January 5, 1972 (33 FCC 2d 394) to allow the use of mailed questionnaires in the ascertainment of community problems among members of the general public. To rely on this method, however, the applicant must "assure that those members of the general public who are consulted are generally distributed throughout the city of license."

FCC Terms to Know

Broadcasters are to use FCC-established terminology and descriptions in keeping program logs and describing program services in applications. Know these terms before examining license renewal applications.

Program types. The FCC prescribes eight program types and three sub-categories. The eight main program types are:

1) Agricultural programs (A) -- include market reports, farming, or other information specifically addressed, or primarily of interest, to the agricultural population.

2) Entertainment programs (E) -- include all programs intended primarily as entertainment, such as music, drama, variety, comedy, quiz, etc.

3) News programs (N) -- include reports dealing with current local, national, and international events, including weather and stock market reports; and, when an integral part of a news program, commentary, analysis, and sports news.

4) Public Affairs programs (PA) -- include talks, commentaries, discussions, speeches, editorials, political programs, documentaries, forums, panels, round tables, and similar programs primarily concerning local, national, and international public affairs.

5) Religious programs (R) -- include sermons or devotionals; religious news; and music, drama, and other types of programs designed primarily for religious purposes.

6) Instructional programs (I) -- include programs, other than those classified under Agricultural, News, Public Affairs, Religious or Sports, involving the discussion of, or primarily designed to further an appreciation or understanding of, literature, music, fine arts, history, geography, and the natural and social sciences; and programs devoted to occupational and vocational instruction, instruction with respect to hobbies, and similar programs intended primarily to instruct.

7) Sports programs (S) -- include play-by-play and pre- or post-game related activities and separate programs of sports instruction, news, or information (e.g., fishing opportunities, golfing instruction, etc.).

8) Other programs (O) -- include all programs not falling within definitions (1) through (7).

The three program sub-categories are:

1) Editorials (EDIT) -- include programs presented for the purpose of stating opinions of the licensee.

2) Political programs (POL) -- include programs which present candidates for public office or which give expression (other than in station editorials) to views on such candidates or on issues subject to public ballot.

3) Educational Institution programs (ED) -- include any program prepared by, in behalf of, or in cooperation with, educational institutions, educational organizations, libraries, museums, PTA's, or similar organizations. Sports programs shall not be included.

The three program sub-types are never used alone but rather are added to one of the eight main program types. A station editorial concerning public affairs, for example, would be logged as "PA-EDIT," Public Affairs-Editorial. A farm program presented in cooperation with an extension division of a state university would be logged as "A-ED," Agricultural-Educational. A program on which candidates discuss campaign issues would be logged "PA-POL," Public Affairs-Political.

Commercial and Public Service Announcements. The FCC provides the following definitions for commercial material:

> Commercial matter (CM) includes commercial continuity (network and non-network) and commercial announcements (network and non-network) as follows:[9]
>
> a) Commercial continuity (CC) -- is the advertising message of a program sponsor.
>
> b) A commercial announcement (CA) -- is any other advertising message for which a charge is made or other consideration is received. . . .

Free announcements for nonprofit and charitable organizations are called public service announcements (PSA). The FCC defines them:

> A public service announcement is any announcement. . . for which no charge is made and which promotes programs, activities, or services of federal, state or local governments (e.g., recruiting, sales of bonds, etc.) or the programs, activities or services of non-profit organizations (e.g., UGF, Red Cross Blood Donations, etc.), and other announcements regarded as serving community interests, excluding time signals, routine weather announcements and promotional announcements.

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[9]Distinction between continuity and announcements is made only for definition purposes. It is not necessary to distinguish between the two types of commercial matter when logging.

Program Source. Television and radio programs are classified according to the sources from which they originate:

1) A local program (L) -- is any program originated or produced by the station, or for the production of which the station is primarily responsible, and employing live talent more than 50 percent of the time. Such a program, taped or recorded /or filmed, if a television program/ for later broadcast, shall be classified as local. A local program fed to a network shall be classified by the originating station as local. All non-network news programs may be classified as local. Programs primarily featuring records or transcriptions /or syndicated or feature films, or other non-locally recorded programs/ shall be classified as recorded (REC) even though a station announcer appears in connection with such material. However, identifiable units of such programs which are live and separately logged as such may be classified as local (e.g., if during the course of a program featuring records or transcriptions /or a feature film program/ a non-network 2-minute news report is given and logged as a news program, the report may be classified as local).

2) A network program (NET) -- is any program furnished to the station by a network (national, regional or special). Delayed broadcasts of programs originated by networks are classified as network.

3) A recorded program (REC) -- is any program not defined above, including, without limitation, those using recordings, transcriptions, or tapes /or syndicated programs, taped or transcribed programs, and feature films/.

Some Practical Considerations. Do not worry if these definitions and categories seem ambiguous or confusing. In practice, you will be able to identify precisely the types and sources of most programs you see. Only a few may give you any trouble. Magazine-type programs, such as NBC's "Today," offer a combination of elements such as News, Entertainment, and Public Affairs discussions. Stations log separately News reports, Public Affairs features, Entertainment segments, and other identifiable portions of the program.

Short segments of local material are sometimes inserted during breaks in network and recorded programs: for example, on "Today" a five-minute segment of local news is usually programmed between twenty-five and thirty minutes past each hour. This segment is a local program separate from the network program surrounding it. Local stations may insert other kinds of segments into filmed programs.

V. SECTION IV - STATEMENT OF PROGRAM SERVICE

Section IV, Statement of Program Service, appears in all four license applications used by commercial radio and television stations.[1] The FCC utilizes two separate Section IV instruments: Section IV-A, for commercial AM or FM radio stations; and Section IV-B, for commercial television stations.

Both Section IV-A and Section IV-B consist of seven parts:

Part I - Ascertainment of Community Needs

Part II - Past Programming

Part III - Proposed Programming

Part IV - Past Commercial Practices

Part V - Proposed Commercial Practices

Part VI - General Station Policies and Procedures

Part VII - Other Matters and Certification

Section IV serves several purposes. All applicants report upon the survey of community needs and problems (Part I), propose a program service to meet the needs and problems discovered (Parts I and III), and set out their proposed commercial practices (Part V). Program service provided during the past license period (Part II) and past commercial practices (Part IV) are reported upon by applicants for license renewal (Form 303), by assignors in applications for assignment (Form 314), and transferees in applications for transfer (Form 315). Applicants for construction permits (Form 301) omit these sections. All applicants report additional station policies and procedures (Parts VI and VII).

Section IV-A -- Statement of AM or FM Program Service and
Section IV-B -- Statement of Television Program Service

Following is an explication of Section IV-A, Statement of AM or FM Program Service, used by applicants seeking AM or FM radio station facilities, and Section IV-B, Statement of Television Program Service, used by applicants seeking television facilities.

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[1] Chapter VI contains a detailed discussion of each of these forms, beginning on page 62. Copies of IV-A and IV-B are found in Appendix F (Form 303).

NOTE: THE MATERIAL COMMON TO BOTH FORMS IS PLACED IN THE CENTER OF THE PAGE: MATERIAL APPEARING ONLY IN SECTION IV-A IS PLACED IN THE FIRST COLUMN, AND THAT APPEARING ONLY IN IV-B IS PLACED IN THE SECOND COLUMN. YOU NEED TO READ ONLY THE MATERIAL RELEVANT TO THE KIND OF LICENSE RENEWAL APPLICATION -- RADIO OR TELEVISION -- YOU ARE EXAMINING.

Section IV-A -- AM or FM Radio

Section IV-B -- Television

Part I - Ascertainment of Community Needs

In Part I, the applicant must demonstrate that he has practiced the programming principles and ascertainment procedures established by the FCC. He must answer three questions about his ascertainment efforts and his program proposals. Each question requires detailed exhibits which are to be attached to the application.

A fourth question concerns his handling of complaints or suggestions from the public.

Question 1A -- Requests the applicant to describe his methodology for ascertaining community problems, needs and interests; to describe the major communities or areas he serves, and to identify the interests, groups, and organizations consulted. (Requirements are set forth in the FCC's Ascertainment Primer, Questions 1 through 21.) Examine critically the procedures used. Faulty survey methods can easily influence findings, which in turn affect the program proposals.

Does the applicant describe adequately the station's entire service area, spelling out the characteristics of each community and identifying and describing all population groups? If he programs to a racial or ethnic group, does he make any special effort to consult with it?

Is the range of interests of the community leaders consulted as broad as the FCC requires? Were all segments of the community consulted? Was a meaningful and representative sample of the general public surveyed? Were any special groups studied in depth?

Even if the methods described are theoretically acceptable, you may find that, in practice, consultations were superficial or not even made. Ask the leaders named whether they were interviewed and how well.

Question 1B -- Requires the applicant to list the significant problems, needs, and interests ascertained in that community. Note that Question 22 of the Ascertainment Primer now requires a list of all ascertained problems, rather than Question 1B's more limited list of "needs and interests the applicant believes his station will serve. . . ."

The applicant need not evaluate or give a rationale for priorities placed upon the various problems listed. The Ascertainment Primer, Questions 23-27, suggests, however, that a program proposal limited to only a few problems may prompt an FCC inquiry. Many applicants develop lengthy essays on community problems to justify their program proposals or to cover deficiencies. Examine closely lists of problems and essays about them, keeping in mind conditions you know exist. Does the broadcaster appear to understand community issues? Does he deal with the whole community or does he limit his attention to only a few segments of it -- such as businessmen, the white community, or the middle or upper classes? Does he omit mention of major problems or controversial issues which might offend powerful community interests?

If the station programs to a racial or ethnic minority, has it discovered the problems of this audience and defined them properly?

Question 1C -- Asks the applicant to indicate the programs planned to meet community problems, needs, and interests during the license period. He must meet the criteria for program proposals found in Questions 28-36 of the Ascertainment Primer. Note particularly that Question 29 requires him "to give the description, and anticipated time segment, duration and frequency of broadcast of the program or program series, and the community problem or problems which are to be treated by it." The FCC warns: "Statements such as 'programs will be broadcast from time to time to meet community problems' or 'news, talk and discussion programs will be used to meet community problems' are clearly insufficient."

Section IV-A -- AM or FM Radio

Examine the programs proposed. Do they cover the problems, needs, and interests discovered? Are the programs perfunctory or superficial?

Some of the programs mentioned will no doubt be continuations of or similar to broadcasts already on the air. Are these existing programs adequate, or do they need to be changed?

Does the applicant propose times for community-oriented programming which, as the Ascertainment Primer, Question 36, suggests, "could reasonably be expected to be effective," or is such material placed in ghetto times like Sunday mornings? Does he refuse to break up blocks of entertainment to treat serious community problems and discuss important issues? Do the programs offer for everyone opportunities for self-expression, or is access limited to station personnel or individuals or groups who purchase time?

Do you believe the applicant has met his obligation to plan programs serving the whole community?

Section IV-A -- Television

Question 1D -- A station's methods of handling complaints and suggestions can indicate how responsive it is to the community. Do public inquiries result in positive action? Or are the suggestions ignored?

If a complaint concerns a network program or advertisement, the station may simply pass it on to the network. Or, if the station belongs to the Television Code, it may choose to forward the complaint to the Code Authority and consider the matter closed.

Such responses are not a satisfactory means of relating to the public. (The FCC policy stated in Attachment A to Section IV-B states that a station may not delegate its responsibilities for material it broadcasts.)

Section IV-A -- AM or FM Radio

Section IV-B -- Television

Do the station's answers indicate that it has a means for keeping constantly in touch with the public, or does it insulate itself from such contact? Do you believe, from your personal knowledge of the station, that its account of its practices is accurate?

Part II - Past Programming

In Part II, the renewal applicant reports on his program service during the past license period. He uses data drawn from two FCC-prescribed samples, which are required of both radio and television applicants:

Composite Week Logs. Once a year, the FCC designates one day from each of seven different weeks during the previous twelve months to make up the Composite Week. It selects the days at random, three from the first and three from the last part of the year and one from the summer months. Weeks with holidays are eliminated. The program logs for these seven days, known as "Composite Week logs," serve as a representative random sample of the station's programming records. Applicants use the Composite Week for the year prior to the filing date of the application. Certain statistics must be drawn from the Composite Week logs, and the actual log sheets must be attached to the application as an exhibit.

Previous Twelve-Month Period. The applicant provides additional data by describing programming presented during the previous twelve months. Because broadcasters know that the final year of the license period is most likely to be examined if the FCC looks at a renewal application at all, they tend to "upgrade" service just before license renewal time. They may use special programming during this period to offer the impression that the upgraded service is representative of the entire three-year license period.

Although Composite Week logs sometimes miss a few of the applicant's legitimate ongoing program services, the arbitrary, FCC-selected dates minimize the opportunity for licensees to manipulate the sample. Both samples, however, stress the latter part of the license period and fail to document program practices of the first two years.

Section IV-A -- AM or FM Radio Section IV-B -- Television

Program Definitions. The FCC has established definitions of program types, program sources, and commercial and public service announcements.[2]

News and Public Affairs programs are reported upon in greatest detail in Section IV. Agricultural, Religious, Instructional, and Other (a catchall category for program matter not fitting the other seven program definitions) are lumped together as a single statistic. "Typical and illustrative" examples of Sports programming form a part of one exhibit, but Entertainment, the bulk of the broadcaster's programming, is not reported upon at all.

Question 2A -- Requests the total number of hours broadcast during the Composite Week. This figure is the basis for calculating statistics reflecting past programming practices.

Question 2B -- The Composite Week logs are attached as an exhibit to the application. In some cases, it is important to compare their contents with the applicant's analysis.

Question 3A -- Statistics provided here show the amount of time the applicant has devoted to the needs and problems of your community. Study them carefully.

Separate statistics are given for News, 3A(1), and Public Affairs, 3A(2) programming. Question 3A(3) calls for combined statistics covering Agricultural, Religious, Instructional, and Other programming. The number of hours and minutes and the percentage of time for the Composite Week is required for each of the three program categories. These statistics must exclude commercial matter, public service announcements, and station promotions presented within the programs.

Careful examination of the actual Composite Week logs and some simple arithmetic can provide a check on the accuracy of the station's statistics.

The FCC requires no minimum percentage of time for these program categories. Commissioner Johnson and former Commissioner Cox suggest, however, that stations showing less than 5% News, 1% Public Affairs, or 5%

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[2]See definitions, page 24.

Section IV-A -- AM or FM Radio

Section IV-B -- Television

Public Affairs and Agricultural, Instructional, Religious, and Other should be asked to justify their performance. The Commission majority have rejected this idea, although Commissioner Johnson regularly subjects applicants to this test and dissents from license renewals for those failing to meet it. These suggested percentages offer a useful guideline for evaluating local station performance.

Section IV-A requires no exhibit giving the title and nature of the programs reflected in these statistics, unlike Section IV-B, used by television stations. The Composite Week logs should reveal the programs actually counted in the statistics but will provide no information on their content.

An exhibit describing the programs under these headings (except newscasts) is required. The descriptions are more important than mere statistics of time devoted to program categories. They should be compared with the program content as actually broadcast.

Compare the statistics for these three program categories with the minimum figures the station proposes in its application filed three years before (Part III, Question 14). Has it given the number of hours, minutes, and percentages of time it promised each category?

Make another check. Compare the list of programs proposed three years ago (Part I, Question 1C) with the present programs described. Do you find the proposed programs among the listings of programs actually presented? If not, has the station made substitutions or given explanations? Or has it simply ignored community needs?

Question 3B -- If the applicant feels that the Composite Week "does not adequately represent the station's past programming" he may submit additional statistics covering a month or longer during the past year, using a format similar to that required in Question 3A.

Remember that the applicant selected the sample to serve his purposes. What are the deficiencies suggested in the Composite Week which the station is seeking to compensate for? Do not give this second sample of past programming the same weight as the Composite Week unless you find it is included for a compelling reason.

Section IV-A -- AM or FM Radio

Question 4 -- The applicant is required to prepare an exhibit showing "typical and illustrative" programs serving "public needs and interests" during the year before the filing of the application. News and Entertainment programs are excluded. Each listing must include the program title, source, type, a brief description, the time of broadcast and duration, and how often the program was presented. The listing need not be all-inclusive, but most broadcasters show every item that might look good to the FCC.

How much of the station's programming deals with national, regional, and local subjects of real concern to the community? How often are local citizens involved in programming? Do they represent the whole community? Are the programs presented at good listening hours?

Section IV-B -- Television

Question 4 -- The applicant is required to prepare an exhibit showing "typical and illustrative" programs serving "public needs and interests" during the year before the filing of the application. News and Entertainment programs are excluded. Each listing must include the program title, source, type, a brief description, the time of broadcast and duration, how often the program was presented, and the extent, if any, of community participation. The listing need not be all-inclusive, but most broadcasters show every item that might look good to the FCC.

How much of the station's programming deals with national, regional, and local subjects of real concern to the community? How often are local citizens involved in programming? Do they represent the whole community? Are the programs presented at good hours? Are any given in prime time?

Compare the list of programs proposed in the license application of three years before (Part I, Question 1C) with the programs described here. Are the proposed programs found among the listings for the past license period? Have other, more timely needs been served during the past year? Or have important needs been ignored without explanation?

Program Type: Does the program list reveal a well-balanced schedule covering each of the program types exclusive of Entertainment and News (see list of program types on page 24); does the list include each of the fourteen elements found in the FCC's 1960 Programming Statement? (See page 19.)

Section IV-A -- AM or FM Radio

Program Source: All stations can produce programs locally and may draw programs from recordings supplied by regional or national syndicators. Some stations are affiliated with one or more regional or national networks. Does the station appear to take full advantage of the program sources available to it? Does it, for example, provide an outlet for local Public Affairs and Religious presentations, or does it rely upon syndicated material from organizations outside the community? Are network Public Affairs programs and other features carried, or does the station use only hourly network news feeds?

Program Description: Do these programs appear to serve your community's varied needs and interests? Are there programs for racial and ethnic minority group members? Are differences among people -- age, sex, education, social and economic levels -- reflected? Are programs in each FCC type offered for people with these differing tastes and interests? For example, are Religious programs offered for significant community groups or do one or two sects dominate the station's air time? Do the station's community-oriented programs offer the opportunity for meaningful discussion? How do the descriptions compare with the programs as you have heard them on the air?

Section IV-B -- Television

Program Source: All stations can produce programs locally and may draw programs from recordings supplied by regional or national syndicators. Some stations are affiliated with one or more networks. Does the station appear to take full advantage of the program sources available to it? Does it, for example, provide an outlet for local Public Affairs and Religious presentations, or does it rely exclusively upon syndicated material from organizations outside the community? Are network Public Affairs programs and other features carried, or does the station use only network Entertainment, News, and Sports programming?

Program Description: Do these programs appear to serve your community's varied needs and interests? Are there programs for racial and ethnic minority group members? Are differences among people -- age, sex, education, social and economic levels -- reflected? Are programs in each FCC type offered for people with these differing tastes and interests? For example, are Religious programs offered for significant community groups or do one or two sects dominate the station's air time? Do the station's community-oriented programs offer the opportunity for meaningful discussion? Do the descriptions accurately portray the programs as you have seen them broadcast?

Section IV-A -- AM or FM Radio

Section IV-B -- Television

Time Broadcast and Duration: Do time allocations appear to meet community needs or do they seem to be based on commercial considerations? Are important public service programs offered when few people are likely to hear them? Is their length appropriate for the target audience and program content?

How Often Broadcast: A number of one-time only broadcasts can build a long list of programs, while a relatively few ongoing program series may build only a short list but represent many individual programs. Does the station offer a mix of individual programs and program series, or does it seem to favor one-shot coverage of all subjects? Are special programs dealing with urgent community needs offered? Does the station attempt to build audiences for specialized programs through sustained presentation?

Community Involvement: Does the station permit community self-expression? Are all people afforded access to the air, or only a select few?

Question 5 -- Here the applicant must describe his past news operation.

Staff and Facilities: The adequacy of a station's news gathering facilities partially determines what kind of News programs will be presented and how effective they will be.

Most stations use a wire service (Associated Press or United Press International) for international, national, and regional news. Some stations subscribe to an audio news service, and many stations are affiliated with a national or regional network. Are your station's facilities equal to your community's needs? Does it have a news staff whose full-time task is to gather and report local news, or does it spread out that responsibility among its whole staff?

Question 5 -- The applicant must account for the sources of his program time (local, network, and recorded) during three time periods (8 a.m. to 6 p.m., 6 p.m. to 11 p.m., and all other hours) during the Composite Week.

The 6 - 11 p.m. period covers peak viewing hours but includes about one and a half hours more than the usual prime time (i.e., 7:30 - 11 p.m. EST or 6:30 - 10 p.m. CST.) Thus stations may include local news hours along with network and recorded entertainment in the required statistics.

Beginning with the 1971-72 season, the FCC limited network programming to be carried between 7:30 and 11:00 p.m. in the top fifty television markets to three hours per night. (During the first year this "prime" time access rule" has been in force,

Section IV-A -- AM or FM Radio

What do you know personally of the station's response to requests for news coverage of significant community events?

Is the station equipped to cover news in minority communities? Are minority group personnel on its news staff? Is the station prepared to cover news from communities it serves outside the city of license? Does it have independent means for covering local and state governmental affairs, or must it rely upon a wire service?

If the station is affiliated with a community newspaper, does it maintain a truly independent news operation, or does it merely duplicate the newspaper's reporting?

How does the station's description of its news operation compare to the news it broadcasts?

Local and Regional Percentages: The central issue here is the percentage of local news. Unfortunately, the FCC requests a combined figure for local and regional news which makes it possible for the station to mask deficient local news coverage.

Some stations substitute regional or state news from a wire service for news of the local community. Is the station you are concerned with providing adequate coverage of local news? Do its figures coincide with your own impression of the amount of local and regional news carried?

Section IV-B -- Television

the Commission has made some exceptions if a station carried only twenty-one hours of network programs a week.) Has your local station used the time recovered from the network to improve local use of television? Or has it devoted the time exclusively to recorded Entertainment? Does the station carry any local programs besides local newscasts between 6 and 11 p.m.?

Do you find any kind of balance during the 8 a.m. - 6 p.m. period among local, recorded, and network programs?

Section IV-A -- AM or FM Radio

Question 6 -- Does the applicant's policy for Public Affairs programs encompass:

-- controversial as well as non-controversial public issues

-- editorializing (particularly on important community and national problems)

-- providing access to the air for individuals, groups, and organizations who hold opposing views to those presented in Public Affairs programs or editorials?

If the applicant claims he offers regular discussion of public issues, do the programs listed in response to Question 4 and your listening experience substantiate his claims? Does he select subjects and participants from the whole community? Are his listeners exposed to unpopular as well as to generally accepted points of view?

The station will probably pay lip service to the Fairness Doctrine. When you evaluate its public affairs policy, judge it by the standards set in the FCC Fairness Primer and Editorializing Statement (see discussion, pages 19-20). Does the station actually follow the FCC's guidelines?

Section IV-B -- Television

Question 6 -- Here the applicant must describe his past news operation.

Staff and Facilities: The adequacy of a station's news gathering facilities partially determines what kind of News programs will be presented and how effective they will be. Some stations subscribe to film or photo services, and many are affiliated with a network. Are your station's facilities equal to your community's needs? Is the news staff able to do a good job gathering and reporting local news?

What do you know personally of the station's response to requests for news coverage of significant community events? Does it provide film coverage or only announcer-read press releases?

Is the station equipped to cover news in minority communities? Are minority group personnel on its news staff? Is the station prepared to cover news from communities it serves outside the city of license? Does it have independent means for covering local and state governmental affairs, or must it rely upon a wire service?

If the station is affiliated with a community newspaper, does it maintain a truly independent news operation, or does it merely duplicate the newspaper's reporting?

How does the station's description of its news operation compare with the news it broadcasts?

Section IV-A -- AM or FM Radio

Question 7 -- The applicant's program format for the past twelve months will necessarily account for most of his broadcast time. Most radio stations fill their time with recorded music. Some stations, especially in larger cities, specialize in talk shows and all-news formats.

Is the applicant's format designed to serve your community or a nearby larger metropolitan area? Does it serve the community needs discovered? Does it provide room for non-entertainment programs? Is it willing to interrupt its regular format for community service programs? In smaller communities served by only one or two stations, a rigid format can be especially detrimental.

Section IV-B -- Television

Local and Regional Percentages: The central issue here is the percentage of local news. Unfortunately, the FCC requests a combined figure for local and regional news, which makes it possible for the station to mask deficient local news coverage.

Some stations substitute regional or state news from a wire service for news of the local community. Is the station you are concerned with providing adequate coverage of local news? Do its figures coincide with your own impression of the amount of local and regional news carried?

Question 7 -- Does the applicant's policy for Public Affairs programs encompass:

-- controversial as well as non-controversial public issues

-- editorializing (particularly on important community and national problems)

-- providing access to the air for individuals, groups, and organizations who hold opposing views to those presented in Public Affairs programs or Editorials?

If the applicant claims he offers regular discussion of public issues, do the programs listed in response to Question 4 and your listening experience substantiate his claims? Does he select subjects and participants from the whole community?

Section IV-A -- AM or FM Radio

A few stations direct their programs to a racial or ethnic minority, the most common being Black-oriented "soul" stations and Spanish-language stations. If a station tailors its programming for a particular minority group, do its efforts go beyond disc jockeys, music, and commercials to serve any audience needs besides entertainment?

Question 8 -- Does the station you are studying claim to provide diverse programming? Does it, in fact, expand the range of program material available, or does it merely repeat or offer some minor variation of other area stations' formats?

Sometimes stations change formats at the time of transfer to a new licensee as well as during a regular license period. If a format change is proposed or has taken place, does it increase or decrease the listener's choice?

Section IV-B -- Television

Are his listeners exposed to unpopular as well as to generally accepted points of view?

The station will probably pay lip service to the Fairness Doctrine. When you evaluate its public affairs policy, judge it by the standards set in the FCC Fairness Primer and Editorializing Statement (see discussion, pages 19-20). Does the station actually follow the FCC's guidelines?

Question 8 -- The applicant must indicate any network affiliation. (National networks are NBC, CBS, and ABC.) Does the station take full advantage of the non-entertainment fare the network offers? Does it use network public affairs material regularly? If affiliated with a national network, does it balance network news and its own coverage of regional and local events?

Stations may also affiliate with regional networks and with specialized networks providing such services as sports coverage.

Some stations in smaller markets may be affiliated with more than one network. If a station is affiliated with more than one network, it must declare which affiliation is primary. Stations carrying two networks may be tempted to use entertainment shows from both at the expense of non-entertainment network material or to curtail local production. If the station carries two networks, does it balance entertainment and non-entertainment programming? Does it provide necessary local material?

Section IV-A -- AM or FM Radio

Question 9 -- The applicant must indicate any network affiliation. National networks (NBC, CBS, ABC, and MBS) offer the commercial station an hourly news broadcast and a variety of specialized informational features, services which can be a valuable link to national and international events. Does the applicant appear to use network public affairs material regularly? (Check response to Question 4.) If he is affiliated with a national network, does he balance network news with station coverage of regional and local news?

Stations affiliate with regional networks, with specialized networks providing such services as sports coverage, and with national networks developed to provide news services to Black-oriented stations.

Question 10 -- The applicant must indicate the number of public service announcements found in the Composite Week logs. Radio stations generally broadcast more announcements, both commercial and public service, than do television stations. Unfortunately, the mere numerical compilation of PSA's presented is not particularly useful, since it does not disclose the length of the announcements, the times at which they were broadcast, or the organizations for whom they were made. You can determine what organizations received public service announcements by examining the Composite Week logs.

Section IV-B -- Television

Question 9 -- The applicant must indicate the number of public service announcements found in the Composite Week logs. Unfortunately, the number of PSA's presented, by itself, is not particularly useful, since it does not disclose the length of the announcements, the times at which they were broadcast, or the organizations for whom they were made. The organizations having announcements you can find by examining the Composite Week logs themselves.

Were PSA's presented in peak viewing hours? Or were they seen late at night and during early morning hours, times when stations have difficulty selling time for commercials? Were local announcements given as well as messages for national agencies? If local announcements were provided, did they represent a cross section of community interests?

Question 10A -- The applicant is asked whether the material submitted in Part II of Section IV-A adequately reflects his past programming.

Question 10B -- If the response to 10A is "No," the applicant may supplement his filing. Remember that he selects supplemental materials to support points not made elsewhere in Part II. Does he appear to have good reasons for going beyond the FCC's prescribed exhibits, or does he add the supplemental material merely to cover his record's inadequacy?

Section IV-A -- AM or FM Radio

Were PSA's presented at peak radio listening hours (such as the times people travel to and from work) or late at night? Were local announcements as well as messages for national agencies made? If local announcements were provided, did they represent a cross section of community interests?

Question 11A -- FM stations are asked whether they duplicate the programs of any AM station in the same market.

Stations in cities of over 100,000 people may not duplicate more than fifty percent of the programming of an AM station (FCC Rule 73.242). The FCC defines "duplicate" as the simultaneous broadcasting of a particular program over both the AM and FM stations or the broadcast of a particular FM program within 24 hours before or after the identical program is broadcast over the AM station. Thus stations are permitted to tape record programs from one station for regular re-broadcast on the other station after 24 hours have elapsed. Whether such juggling of the same material on two different stations results in a better service to the public is questionable.

The FCC has begun to issue "waivers" to the "duplication" rule for AM-FM combinations offering classical music programming on both facilities.

Section IV-B -- Television

Question 10C -- If the past programming is not consistent with the community needs outlined and the program proposals made in the renewal application filed three years ago, the applicant is to explain the discrepancy here. He may choose not to point out discrepancies, so you should carefully examine the application yourself. If he does attempt to explain a failure to carry out past proposals, is his reasoning plausible and justified by community needs?

Section IV-A -- AM or FM Radio

Section IV-B -- Television

Several licensees have convinced the Commission that providing separate services is economically unfeasible.

Question 11B -- If programming is being duplicated, the FM applicant must indicate the AM station being duplicated, the "relationship" between the two stations, and the number of hours duplication took place each day during the Composite Week. You may need to supplement the information supplied with your own knowledge of the stations' programming practices and an examination of the Composite Week logs. Is the separation of program services on the two stations designed to provide genuine program diversity at peak listening times? Is the licensee using the two radio facilities he controls creatively, or is he, by dominating two facilities, depriving the community of program diversity?

Question 12A -- The applicant is asked whether the material submitted in Part II of Section IV-A adequately reflects his past programming.

Question 12B -- If the response to 12A is "No," the applicant may supplement his filing. Remember that he selects supplemental materials to support points not made elsewhere in Part II. Does he appear to have good reasons for going beyond the FCC's prescribed exhibits, or does he add the supplemental material merely to cover up his inadequacy?

Section IV-A -- AM or FM Radio

Section IV-B -- Television

Question 12C -- If the past programming is not consistent with the community needs outlined and program proposals made in the renewal application filed three years ago, the applicant is to explain the discrepancy here. He may choose not to point out discrepancies, so you should carefully examine the application yourself. If he does attempt to explain a failure to carry out past proposals, is his reasoning plausible and justified by community needs?

Part III - Proposed Programming

Here the applicant must amplify and support his program proposals. Carefully compare the information given here with that given in Part I, Question 1C. Much of the data on future programming repeats that provided in Part II for past programming. Does the proposed future programming differ from the programming claimed for the past licensing period? Will the changes improve program services?

Question 11 -- The applicant is asked the number of hours he will broadcast during a typical week. (Generally, this figure will not change from that provided in Part II, Question 2. Changes will give you different statistics for past and proposed programming.) How will proposed additions or reductions affect the program service?

Question 12 -- The applicant is asked the "minimum amount of time" he will devote to News, Public Affairs, and All Other Programs Exclusive of Entertainment and Sports. Compare these statistics

Section IV-A -- AM or FM Radio	Section IV-B -- Television
	with those given in Part II, Question 3A; will the minimum service promised add to or decrease programming in these important areas? How do suggested changes compare to the community needs and program proposals in Part I?
Question 13 -- The applicant is asked the number of hours he will broadcast during a typical week. (Generally, this figure will not change from that provided in Part II, Question 2. Changes will give you different statistics for past and proposed programming.) How will proposed additions or reductions affect the program service?	Question 13 -- The applicant must specify how much time he will devote to programming from the three sources -- local, network and recorded -- during three time periods designated by the FCC (8 a.m. - 6 p.m., 6 p.m. - 11 p.m., and all other hours). See Part II, Question 5. Has the applicant proposed changes in the allocation of time? Will he increase or decrease the amount of time allocated to local programming (particularly during the 6 - 11 p.m. time period)?
Question 14 -- The applicant is asked the "minimum amount of time" he will devote to News, Public Affairs, and All Other Programs Exclusive of Entertainment and Sports. Compare these statistics with those given in Part II, Question 3A. Will the minimum service promised add to or decrease programming in these important areas? How do suggested changes compare to the community needs and program proposals in Part I?	Question 14 -- The information requested about news service for the coming license period duplicates information about past news operations in Part II, Question 6. Does the applicant propose to change his news staff or facilities in any way? Will he increase the percentage of local and regional News? Will the changes improve News programming?
Question 15 -- The information requested about news service for the coming license period duplicates information about past news operations in Part II, Question 5. Does the applicant propose to change his news staff or facilities in any way? Will he increase the percentage of local and regional news? Will the changes improve news programming?	Question 15 -- Does the applicant propose any change in his Public Affairs programming policy? (See Part II, Question 7.) Are the changes consistent with the information provided in Part I, Ascertainment of Community Needs?

Section IV-A -- AM or FM Radio

Question 16 -- Does the applicant propose any change in his Public Affairs Programming policy? (See Part II, Question 6.) Are the changes consistent with the information provided in Part I, Ascertainment of Community Needs?

Question 17 -- Does the applicant propose any change in his format? (See Part II, Question 7.)

Question 18 -- If format changes are proposed (see Question 17, above), will they increase or decrease program diversity? Are the reasons for the proposed changes acceptable? Do the changes take into account community needs?

Question 19 -- The applicant is asked the minimum number of public service announcements to be presented during a typical week. Is the number different from that given in the Composite Week logs? (Part II, Question 10.)

Question 20 -- Will the applicant's network affiliations change or remain the same during the coming license period? (See Part II, Question 9.)

Question 21 -- FM stations must indicate whether or not they propose to duplicate the programming of an AM station. (See Part II, Question 11.) Will changes be made in the station's duplication of programming?

Section IV-B -- Television

Question 16 -- The applicant is asked the minimum number of public service announcements to be presented during a typical week. Is the number different from that given in the Composite Week logs (Part II, Question 9)?

Question 17 -- Will the applicant's network affiliations change or remain the same during the coming license period? (See Part II, Question 8.)

Section IV-A -- AM or FM Radio

Section IV-B -- Television

Part IV - Past Commercial Practices

Part IV's questions relate to the amount of time devoted to commercial matter during the Composite Week. The data affords a somewhat limited view of the station's overall commercial practices.

The FCC's definition of commercial matter inclues: a) the advertising message of a program sponsor and b) any other advertising for which a charge is made or other consideration is received, including program promotional announcements which are purchased or which mention a sponsor's name. The FCC does not consider as commercial matter such items as unpaid program promotional announcements, station identification announcements, and public service announcements.

Unfortunately, the FCC solicits no information about other important aspects of the station's commercial practices such as the number of program interruptions; the placement and length of these interruptions; the number of consecutive commercials, including promotional announcements, and the grouping or "cluttering" of such non-program material at the beginning and end of programs and during station breaks.

The FCC has neither established policies concerning commercial time standards nor placed limitations on the amount of commercial matter which may be broadcast. It does use as a yardstick in Part IV the upper time limits of the National Association of Broadcasters' Radio Code (In 1963, the FCC proposed adopting the time standards of the NAB Code. Industry protests to Congress squelched the proposal.)

The FCC has neither established policies concerning commercial time standards nor placed limitations on the amount of commercial matter which may be broadcast. It does use as a yardstick in Part IV the upper time limits of the National Association of Broadcasters' Television Code. (In 1963, the FCC proposed adopting the time standards of the NAB Code. Industry protests to Congress squelched the proposal.)

Section IV-A -- AM or FM Radio

Currently, the NAB Radio Code prescribes the following standards for advertising:

1) The amount of time to be used for advertising should not exceed 18 minutes within any clock hour. The code authority, however, for good cause may approve advertising exceeding the above time standard for special circumstances.

2) Any reference to another's products or services under any trade name, or language sufficiently descriptive to identify it, shall, except for normal guest identifications, be considered as advertising copy.

3) For the purpose of determining advertising limitations, such program types as "classified," "swap shop," "shopping guides," and "farm auction" programs, etc., shall be regarded as containing one and one-half minutes of advertising for each five-minute segment.[3]

Section IV-B -- Television

Currently, the NAB Television Code prescribes a maximum of 16 minutes per hour of non-program material outside prime time (defined as three consecutive hours between 6 p.m. and midnight.)[4]

Of the nearly 700 commercial television stations in the United States, only about 400 subscribe to the NAB Television Code. (See discussion under Question 22, below.)

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[3]NAB Radio Code, in Broadcasting '72 Yearbook (Washington, D.C.: Broadcasting Publications, Inc., 1972), page D-45.

[4]NAB Television Code in Broadcasting '72 Yearbook (Washington, D.C.: Broadcasting Publications, Inc., 1972), page D-44. The Code states:

> In order that the time for nonprogram material and its placement shall best serve the viewer, the following standards are set forth in accordance with sound television practice:
>
> 1. Nonprogram Material
>
> Definition: Nonprogram material, in both prime time and all other time, includes billboards, commercials, all

Section IV-A -- AM or FM Radio

Fewer than half of the radio stations in the United States subscribe to the NAB Radio Code.

Section IV-B -- Television

Question 18 -- For the Composite Week, the applicant must indicate the number of time periods during which commercial matter was within each of four ranges: up to 8 minutes; 8 to 12 minutes; 12 to 16 minutes; and over 16 minutes. For those 60-minute time periods containing more than 16 minutes of commercial matter, he must specify the amount of commercial time in the segment and the day and time broadcast. (Question 18 continued on next page)

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credits in excess of 30 seconds and promotional announcements. Public service announcements and promotional announcements for the same program are excluded from this definition.

2. Allowable Time for Nonprogram Material

(a) In prime time, nonprogram material shall not exceed 10 minutes in any 60-minute period.

Prime time is a continuous period of not less than three consecutive evening hours per broadcast day as designated by the station between the hours of 6 p.m. and midnight.

(b) In all other time, nonprogram material shall not exceed 16 minutes in any 60-minute period.

3. Program Interruptions

(a) Definition: A program interruption is any occurrence of nonprogram material within any 30-minute program or within any 60-minute program.

(b) In prime time, the number of program interruptions shall not exceed two within any 30-minute program, or four within any 60-minute program.

Programs longer than 60 minutes shall be

Section IV-A -- AM or FM Radio	Section IV-B -- Television
	On what dates and at what time has the applicant exceeded the 16-minute commercial level? If he has exceeded the level, examine the response to Question 20 (see explanation of question, below) in the renewal application filed three years ago. Did he propose to exceed this limit and, if so, under what circumstances? Do the dates and times appear to cover these exceptions? Does he volunteer any explanation of the 60-minute segments containing over 16 minutes of commercial matter?

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pro-rated at two interruptions per half-hour.

The number of interruptions in 60-minute variety shows shall not exceed five.

(c) In all other time, the number of interruptions shall not exceed four within any 30-minute program period.

(d) In both prime time and all other time, the following interruption standard shall apply within programs of 15 minutes or less in length:

5-minute program--1 interruption;
10-minute program--2 interruptions;
15-minute program--2 interruptions.

(e) News, weather, sports and special events programs are exempt from the interruption standard because of the nature of such programs.

4. No more than four commercial announcements shall be scheduled consecutively within programs, and no more than three commercial announcements shall be scheduled consecutively during station breaks. The consecutive commercial message limitation shall not apply to a single sponsor who wishes to further reduce the number of interruptions in the program.

5. A multiple-product announcement is one in which

Section IV-A -- AM or FM Radio

Question 22A -- Asks the applicant to indicate the total number of broadcast hours during the Composite Week and the total number of hours broadcast during the period between 6 a.m. and 6 p.m. (Requesting separate statistics indicates recognition that radio, in the era of television, has become primarily a daytime medium.)

Question 22B -- The amount of commercial time and the percentage of time represented is requested for all hours during the Composite Week and for the hours between 6 a.m. and 6 p.m. The NAB Radio Code standard of 18 minutes of commercial time per hour corresponds to 30%. Does the applicant exceed the 30% level during the daytime period?

Section IV-B -- Television

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two or more products or services are presented within the framework of a single announcement.

A multiple-product announcement shall be counted as a single announcement provided the same voice(s), setting, background, and continuity are used throughout so that the announcement appears to the viewer as one single announcement. Multiple-product announcements not meeting this definition shall be counted as two or more announcements under this section of the code. This provision shall not apply to retail or service establishments.

6. The use of billboards, in prime time and all other time, shall be confined to programs sponsored by a single or alternate week advertiser and shall be limited to the products advertised in the program.

7. Reasonable and limited identification of prizes and donors' names where the presentation of contest awards

Section IV-A -- AM or FM Radio

Examine the applicant's proposed maximum normal commercial level filed three years ago (Part V - Proposed Commercial Practices, Question 25, see discussion below). Has he exceeded the proposal?

Section IV-B -- Television

Question 19A -- Asks whether the Composite Week data adequately reflects past commercial practices.

Question 19B -- If the response to 24A is "No," an explanation may be supplied. If an explanation is submitted, does it appear to be valid or does it seem designed to cover up over-commercialization?

Question 19C -- If the applicant's commercial practices "varied substantially" from the proposal made in the application of three years ago, he is to give an explanation.

Whether or not an exhibit is provided, does your examination reveal a discrepancy? Are acceptable explanations given?

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or prizes is a necessary part of program content shall not be included as nonprogram material as defined above.

8. Programs presenting women's service features, shopping guides, fashion shows, demonstrations and similar material provide a special service to the public in which certain material normally classified as non-program is an informative and necessary part of the program content. Because of this,

Section IV-A -- AM or FM Radio

Question 23 -- For the Composite Week, the applicant must indicate the number of 60-minute periods during which commercial matter was within each of four ranges: up to 10 minutes; 10 to 14 minutes; 14 to 18 minutes; and over 18 minutes. For those 60-minute time periods containing more than 18 minutes of commercial matter, he must specify the amount of commercial time in the segment and the day and time broadcast.

On what dates and at what times has the applicant exceeded the 18-minute commercial level? If he has exceeded the level, examine the response to Question 26 in the renewal application filed three years ago. Did he propose to exceed this limit and, if so, under what circumstances? Do the dates and times appear to cover these exceptions? Does he volunteer any explanation of the 60-minute segments containing over 18 minutes of commercial matter?

Section IV-B -- Television

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the time standards may be waived by the code authority to a reasonable extent on a case-by-case basis.

9. Gratuitous references in a program to a nonsponsor's product or service should be avoided except for normal guest identification.

10. Stationary backdrops or properties in television presentations showing the sponsor's name or product, the name of his product, his trade-mark or slogan should be used only incidentally and should not obtrude on program interest or entertainment.

Section IV-A -- AM or FM Radio

Question 24A -- Asks whether the Composite Week data adequately reflects past commercial practices.

Question 24B -- If the response to 24A is "No," an explanation may be supplied. If an explanation is submitted, does it appear to be valid or does it seem designed to cover up over-commercialization?

Question 24C -- If the applicant's commercial practices "varied substantially" from the proposal made in the application of three years ago, he is to give an explanation. Whether or not an exhibit is provided, does your examination reveal a discrepancy? Are acceptable explanations given?

Section IV-B -- Television

Part V - Proposed Commercial Practices

In Part V, the applicant proposes commercial practices. The only information required is the amount of commercial matter to be broadcast during 60-minute segments. He gives maximum commercial content for "normal" periods and explains any exception contemplated.

Question 20 -- Asks the maximum amount of commercial matter to be broadcast normally during any 60-minute period.

Question 25 -- Asks the maximum percentage of commercial matter proposed normally for a typical week. Percentages are to be given for all hours and for the period between 6 a.m. and 6 p.m

Section IV-A -- AM or FM Radio

Section IV-B -- Television

The applicant then must explain any circumstances under which he will exceed the maximum normal limit. Do the explanations offered justify the station's willingness to violate its own prescribed standards?

Question 26 -- The applicant must state the maximum amount of commercial matter to be broadcast normally during any 60-minute period.

If he exceeds this normal maximum he is to give an explanation. Are his reasons sound?

Part VI - General Station Policies and Procedures

Part VI provides additional information about station personnel and operating procedures.

Question 27 -- The applicant must list persons responsible for the station's operation and its day-to-day programming. These names may be useful if you plan discussions with station representatives.

Question 28A -- The applicant is asked whether he has established policies for programming and advertising. Since the FCC requires such policies, the station's response will always be "yes."

Question 21 -- The applicant must list persons responsible for the station's operation and its day-to-day programming. These names may be useful if you plan discussions with station representatives.

Section IV-A -- AM or FM Radio

Question 28B -- In 1972, approximately 2,400 U.S. radio stations claim to adhere to the code of the National Association of Broadcasters.[5] Over 4,000 stations do not. When asked for evidence of their policies, some stations say only that they subscribe to the NAB Code. Other stations often refer to the Code as their general policy even though they do not officially subscribe to it. It is appalling that both the FCC and the station licensees take such a casual approach to the provision of sound program and advertising policy.

Section IV-B -- Television

Question 22A -- The applicant is asked whether he has established policies for programming and advertising. Since the FCC requires such policies, the station's response will always be "yes."

Question 22B -- In 1972, approximately 400 U.S. television stations claim to adhere to the Code of the National Association of Broadcasters[5]; nearly 300 stations do not. When asked for evidence of their policies, some stations say only that they subscribe to the NAB Code. Other stations often refer to the Code as their general policy even though they do not officially subscribe to it. It is appalling that both the FCC and broadcasters take such a casual approach to the provision of sound program and advertising policy.

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[5]Copies of the NAB Radio Code and the NAB Television Code may be obtained from: Code Authority, National Association of Broadcasters, 1771 N Street NW, Washington, D. C. 20036.

Section IV-A -- AM or FM Radio

The NAB Radio Code is also imprecisely written and is full of escape clauses. The Code Authority professes to enforce industry standards among members. There is little evidence of such enforcement. If the station cites the NAB Code, however, Code provisions, in effect, become part of the license renewal application. Does the station you are examining adhere to Code standards?

Section IV-B -- Television

The NAB Television Code is in fact imprecisely written and full of escape clauses. Although the Code Authority professes to enforce these industry standards among members, there is little evidence that it does. If the station cites the NAB Code, however, its provisions, in effect, become part of the license renewal application. Does the station you are examining adhere to Code standards?

Some stations have developed policies independent of the NAB Code. Stations having their own policy statements should attach them to the application as an exhibit.

Do these policy statements appear adequate in light of what you know about the station's advertising and programming practices and your community's needs?

Question 29 -- The applicant must state the means by which station employees are kept informed of FCC Rules and Regulations and the requirements of the Communications Act.

Question 23 -- The applicant must state the means by which station employees are kept informed of FCC Rules and Regulations and the requirements of the Communications Act.

Section IV-A -- AM or FM Radio

Question 30 -- Some stations are closely identified with other businesses. A station may be under the ownership of another business. (In the largest markets, most stations are owned by corporations.) Corporate owners frequently have interests other than broadcasting. While some broadcasting outlets play down these corporate ties, others use station identification and other opportunities to promote extra-broadcast activities. Applicants must reveal any such identification used on the broadcasting facility. Does the applicant appear to take unfair advantage of its broadcasting license to promote its other business ventures?

Section IV-B -- Television

Question 24 -- Some stations are closely identified with other businesses. A station may be under the ownership of another business. (In the largest markets, most stations are owned by corporations.) Corporate owners frequently have interests other than broadcasting. While some broadcasting outlets play down these corporate ties, others use station identification and other opportunities to promote extra-broadcast activities. Applicants must reveal any such identification used on the broadcasting facility. Does the applicant appear to take unfair advantage of its broadcasting license to promote its other business ventures?

Question 25A -- The application must state the total number of station employees.

Section IV-A -- AM or FM Radio

Question 31 -- If the station has more than ten employees, it must report the number of employees in each of the listed departments. Does it appear to have enough personnel in news and programming, or is the staff imbalanced in favor of the sales and administrative departments? Is the staff large enough to meet your community's needs?

Every station having five or more employees must file with its license renewal application a Section VI, Equal Employment Opportunities Program. (See Chapter VIII.)

Section IV-B -- Television

Question 25B -- The number of employees in each of the listed departments must be indicated. Does the station appear to have enough personnel in news and programming, or is the staff imbalanced in favor of the sales and administrative departments? Is the staff large enough to meet your community's needs?

Every station having five or more employees must file with its license renewal application a Section VI, Equal Employment Opportunities Program. (See Chapter VIII.)

Question 26A -- Stations are expected to carry programs to meet public needs even if the programs lack commercial sponsorship. Before 1960 the FCC placed a premium on these "public service programs." At present it still recognizes

Section IV-A -- AM or FM Radio

Section IV-B -- Television

that some programs have limited sales potential, but it no longer makes distinctions between sponsored and sustaining shows. When asked whether public needs are always met, regardless of sponsorship, the licensee always answers "yes."

Does the station's actual programming indicate that it has a meaningful programming policy? Does it carry network sustaining programs? Do you find programs dealing with community needs and appearing to meet them listed in the exhibit? (Although the exhibit is supposed to show "examples," chances are that it will include most, if not all, of the significant items of the past twelve months.)

Question 26B -- Stations are expected to pre-empt regular programs to meet pressing needs and to cover special events. Few stations will say they do not pre-empt regular programs.

Often, however, preemption is done by a network, not by the local station, to carry such items as a Presidential address or a moon shot. Many stations often routinely list such preemptions, although they really indicate nothing of the station's own policies.

Does the station pre-empt regular network and recorded programs to cover state or community events? Does it offer programs in prime

Section IV-A -- AM or FM Radio	Section IV-B -- Television
	time or other good viewing hours? Again, the station will probably list all the "examples" it can from the past twelve months. Did important events occur which it did not treat?

Part VII - Other Matters and Certification

Question 32 -- Invites the applicant to submit additional material if it is necessary to demonstrate that the station operates in the public interest. Such exhibits are generally selective and self-serving. What are the stated reasons for including the exhibit, and what appear to be the actual reasons? Does it really clarify the station's record, or does it attempt to mask deficient service?	
	Question 27 -- Invites the applicant to submit additional material if it is necessary to demonstrate that the station operates in the public interest. Such exhibits are generally selective and self-serving. What are the stated reasons for including the exhibit, and what appear to be the actual reasons? Does it really clarify the station's record, or does it attempt to mask deficient service?
Question 33 -- The applicant signs Section IV and certifies that its contents are true.	
	Question 28 -- The applicant signs Section IV and certifies that its contents are true.

VI. FCC FORMS USED BY COMMERCIAL BROADCASTERS

Broadcasters file many forms with the FCC. Persons wanting to evaluate station performance will be especially interested in four of them.[1]

Form 301 -- Application for Authority to Construct a New Broadcast Station or Make Changes in an Existing Broadcast Station

Form 303 -- Application for Renewal of Broadcast Station License

Form 314 -- Application for Consent to Assignment of Broadcast Station Construction Permit or License

Form 315 -- Application for Consent to Transfer of Control of Corporation Holding Radio Broadcast Station Construction Permit or License

Two report forms (Form 323, Ownership Report and Form 395, Annual Employment Report [2]) contain additional information which may be useful.

Form 301
Application for Authority to Construct a New Broadcast Station and Make Changes in an Existing Broadcast Station

Form 301 is used by persons applying for authority to construct a new broadcast facility, and by existing stations seeking to make changes in their facilities -- to increase station power, for example.

Form 301 consists of six parts:

Section I - Instructions and Identification of Applicant

Section II - Legal Qualifications of Broadcast Applicant

Section III - Financial Qualifications of Broadcast Applicant

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[1]Application forms used by noncommercial educational licensees will be discussed in Chapter VII.

[2]See Chapter VIII.

Section IV - Statement of Program Service of Broadcast Applicant

Section V - Engineering Data

Section VI - Equal Employment Opportunity Program

Section I - Instructions and Identification of Applicant. Section I gives instructions and requires identification of the applicant and the facilities sought. Question 5 permits the applicant to refer to documents already filed with the FCC instead of incorporating them in the application. If you need these documents, you can find them either at the FCC or in the station's public file.

Section II and Section III - Legal and Financial Qualifications of Broadcast Applicant. Section II and Section III are discussed on pages 67-71.

Section IV - Statement of Program Service. Applicants wishing to construct a new station complete Section IV-A or IV-B. Since the application concerns a new facility, questions about past programming and commercial practices are left blank. The applicant must ascertain community needs and make program proposals which justify establishing the proposed station. This requirement is especially important when more than one applicant requests the same facility and the FCC must decide which one will better serve the public interest.

Existing stations applying to change their facilities must complete the entire Section IV. If the changes requested will increase the station's service area, the applicant must ascertain the needs and problems of the new communities to be served and propose programs to meet them.

Section V - Engineering Data. This information -- about the facilities sought and the equipment to be used to construct the station -- usually will not interest the general public. If you have questions about the proposed technical facilities, seek a broadcast engineer's help in interpreting the data.

Section VI - Equal Employment Opportunity Program. The Section VI used in Form 301 includes only Part I information, covering the applicant's proposed employment practices. See Chapter VIII.

Form 303
Application for Renewal of Broadcast Station License

Commercial radio and television stations use Form 303 every three years to apply for license renewal.[3] It is divided into four parts:

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[3]A copy of Form 303 appears as Appendix F of this guide.

Section I -- Instruction and Identification of Applicant

Section II -- Renewal Application Engineering Data

Section IV -- Statement of Program Service

Section VI -- Equal Employment Opportunity Program

Form 303 omits Sections III and V.

Section I - Instructions and Identification of Applicant. Section I gives instructions and asks the identity of the licensee and his attorney, the nature of the facilities sought, and information supplementing the licensee's "Ownership Report," Form 323.

Question 1 - Requests a description of the station's technical facilities and hours of operation.

Question 2 - Concerns monopolistic practices prohibited by the Communications Act of 1934. The applicant's response invariably is "no."

Question 3 - Requires a "detailed" balance sheet of a recent month. These exhibits are of little value in ascertaining the station's true economic situation.[4]

Question 4 - Asks whether an updated "Ownership Report" is attached and, if not, when and where the last such report was filed. This information aids persons needing detailed information about license holders and their other business interests.

Question 5 - Asks applicant's citizenship.

Question 6 - Asks whether applicant represents an alien or foreign government.

Question 7 - Requires listing: (a) other businesses in which principals have 25% or more interests, and (b) other radio and television stations in which principals have an interest. This information is relevant to

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[4]Although each broadcaster must file an annual financial statement with the FCC, the information is currently not available for public inspection.

the issue of concentration of media control (which occurs when a party has an interest in a combination of communications outlets in a community, such as an AM, FM and television station and/or a newspaper), and to the issue of conflicts of interest.

In signing Section I, the applicant waives any permanent claim to the frequency he applies to use.

Section II - Renewal Application Engineering Data. This section contains technical information you will probably not be concerned with.

Section IV - Statement of Program Service.[5] Section IV, Statement of Program Service, is the part of the application most important for evaluating service to the community. Form 303 contains two separate Section IV instruments: Section IV-A, used by commercial AM or FM radio stations; and Section IV-B, used by commercial television stations. The broadcaster uses only the form appropriate to his service.

To evaluate the performance of license renewal applicants, use both the current application for license renewal and the application filed three years ago for the license period now ending.[6] 1) Compare the past programming and commercial practices outlined in the current application with the ascertainment of community needs, proposed programming, and proposed commercial practices found in the earlier application. Has the applicant done the job he proposed? 2) Examine the broadcaster's current ascertainment of community needs, proposed programming, and commercial practices in light of the community's overall needs and interests and programs that might meet them.

Section VI - Equal Employment Opportunity Program. As part of its license renewal application, each station must file an equal employment opportunity program. Chapter VIII discusses Section VI, as well as the FCC's employment rules and annual employment report.

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[5]The Section IV, Statement of Program Service, used in FCC applications is discussed in Chapter V.

[6]If the station was constructed within the three years prior to the filing of the current renewal application, the Section IV found in the station's Form 301 should be substituted. If the station has been assigned or transferred within the three years prior to license renewal, the assignee's Section IV in Form 314 or 315 should be substituted. Form 301 is discussed on page 62, Form 314 on page 66, and Form 315 on page 66.

Form 314
Application for Consent to Assignment of Broadcast Station Construction Permit or License

Form 315
Application for Consent to Transfer of Control of Corporation Holding Radio Broadcast Station Construction Permit or License

The difference between an assignment of license (requiring the use of Form 314) and the transfer of control of a licensee (requiring use of Form 315) is a technical one. The result -- changing control of a station's license from one person to another -- is the same.

Individuals, groups of individuals known as "partnerships," or corporations may, with FCC approval, sell their right to broadcast. The change is accomplished by "assigning" the license to someone else, much as one conveys a deed to a house.

In the case of corporate ownership of a license, a second possibility, "transfer," exists. A corporation holding a broadcasting license is considered to be the licensee. Behind the "corporate veil," of course, are real persons who actually control the corporation. The FCC is concerned with their identity and character. During the period a corporation holds a broadcasting license, the persons who control the corporation may change through sale of stock, inheritance, or other means. When such a change occurs, the FCC must approve of the new ownership arrangements -- brought about through the "transfer of control" of the license.

Form 314 and Form 315 consist of five parts:

Section I -- Instructions and Identification of Applicant

Section II -- Legal Qualifications of Broadcast Applicant

Section III -- Financial Qualifications of Broadcast Applicant

Section IV -- Statement of Program Service

Section VI -- Equal Employment Opportunity Program

Section I - Instructions and Identification of Applicant. This section identifies both the present licensee and the party to which the license is to be assigned or transferred. Form 314 requires as exhibits the contracts and other documents relating to the sale of the station.

Section II and Section III - Legal and Financial Qualifications of Broadcast Applicant. The Section II and Section III used in Forms 301, 314 and 315 are similar. They concern the legal and financial qualifications of new applicants, assignees, and transferees.

Section IV - Statement of Program Service. With applications for assignment or transfer of a license, the present licensee completes the portions about past programming and commercial practices, and the prospective assignee or transferee completes the portions covering ascertainment of community problems and proposed program and commercial practices. Check these two sets of information to discover whether programming changes are proposed and whether they are based upon a sound community survey and demonstrated community need.

Section VI - Equal Employment Opportunity Program. The assignee or transferee describes his employment plan in Section VI. Check this plan against the statements filed by the present licensee to discover whether changes in employment practices are proposed. See Chapter VIII.

Sections II and III
Applicant's Legal and Financial Qualifications

Three FCC forms -- 301, 314, and 315[7] -- contain Sections II and III, dealing respectively with applicants' legal and financial qualifications.

All three forms are used by new persons seeking to operate a station who must demonstrate their fitness to be licensees.

Sections II and III contain information about the background of the people proposing to serve your community. If any of it is not clear to you, seek aid from a lawyer, accountant, or other person experienced in legal and financial matters.

Section II. Section II begins with identification of the licensee (or, if the licensee is an artificial person, such as a corporation or partnership, its owners and key personnel). Generally the persons directing the affairs of a partnership or corporation or having a substantial interest in it are considered "parties" to the application. In a partnership, all partners, including limited and silent partners, are considered parties, and in a corporation all officers, directors, and stockholders are considered parties, including not only stockholders of record but also "beneficial owners" and subscribers to stock.

A beneficial owner is not always the named owner. He is usually the person who would be entitled to the proceeds from the investments. Thus, if stock is put in the name of a nominee or "straw man" who has no

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[7]Form 301 is filed in applying for a construction permit. Form 314 is filed when a license is to be transferred and Form 315 when control of a licensee is to change.

financial interest, he is not the beneficial owner. Generally custodians, trustees, and the like are not beneficial owners. Stock is sometimes listed in the name of a spouse or children, with the intent that they will receive financial benefits but will not direct how the stock is voted, when it is sold, etc. In such a case both the person who exercises control and the persons who benefit financially may be regarded as the beneficial owners.

In many cases beneficial ownership of stock has been concealed, perhaps because multiple ownership rules prohibit the true owner from having a controlling interest; because other media interests might put him at a disadvantage in competition for a license; because of unfavorable evidence relating to his character; or because he may be an alien. Sometimes people use complicated legal arrangements to try to get around Commission regulations or other laws or public policies. Often these arrangements are frankly acknowledged, and the Commission may accept a merely technical compliance with its rules unless someone objects. Since many public policies are involved in the ownership of broadcast stations, identifying the parties is important. You may require help from professionals.

Section II also asks whether parties are aliens, have been found guilty of crimes or violations of law, or have had other licenses revoked. The questions are designed particularly to compel disclosure of monopolistic practices and unfair trade practices. They are important because a broadcast license confers monopolistic powers susceptible to abuse. Ordinarily, however, the FCC will not deny renewal of a license or transfer of a license solely because of excessive concentration of ownership of media by one person or group.If the applicant has many other media interests and a record of unfair trade practices, the application may be denied. Whether such a record exists may be indicated by verdicts or judgments reported in Section II or by pending proceedings which are not reported and can be discovered only by investigation.

Other questions seek to determine whether the applicant or any party is insolvent or bankrupt. They are important not only because they bear on the applicant's financial qualifications but also because a bankruptcy petition or an unsatisfied judgment might lead to a sheriff's or trustee's sale of interests in the licensee or its property and an involuntary change in control or interruption of service.

Questions 11 through 16 apply only to corporations. Question 11 seeks to determine how the voting stock and other shares of the corporation are owned. Question 11 (g) requests the total number of stockholders. Where there are many stockholders with relatively small holdings, the corporation may be controlled with little or no stock because of the management's control of the proxy machinery. Question 12 seeks to determine how many shares are voted by proxy. In small closely held companies this question may not be significant. In publicly held companies these answers may be a starting point for investigation in the Securities and Exchange Commission public files or elsewhere.

Question 13 asks about beneficial ownership of the stock and requires the filing of any agreements relating to the ownership. The kinds of agreements which might be filed are almost limitless; there might be an agreement to sell the stock, an option to purchase the stock, a pledge of the stock to secure indebtedness, or a "buy-sell" agreement under which one stockholder must offer his stock to others before he can sell or provide for the sale in the event of death or incapacity. Often stockholders' agreements bind the parties to vote for particular officers or directors.

Usually you will need professional help to understand such agreements and to determine how they affect control of the station's policies.

Question 14 seeks to identify any other voting rights which may affect control. Sometimes preferred stockholders have a right to take control if dividends are passed. Sometimes creditors have similar rights. Ordinarily, however, a change in control requires Commission approval. Questions 15 and 16 seek to determine whether the applicant is controlled by another corporation through stock ownership or other means. When the applicant is controlled by another corporation, it is required to furnish the same information about the controlling corporation that it furnished about itself. This requirement seeks to prevent the applicant from hiding the ultimate control by having a whole series of corporations.

Questions 17 and 18 deal with other kinds of legal entities (other than individuals, partnerships, or corporations), which might include unincorporated associations, business trusts, and joint ventures.

Table I lists the individuals holding significant positions or ownership in the applicant. A stock ownership is considered significant if it is 3% or greater. If there are fewer than twenty stockholders, all stockholders must be reported.

Table II requires a description of the parties' other financial interests. This table is important since you can determine from it the background of the key persons associated with the applicant. It will tell you whether a stockholder is a politician, professor, or racetrack promoter, whether he has other business interests which might create a conflict of interest or give him undue control of local or regional media. You should watch for ownership of other broadcast stations, newspapers, and CATV systems. This table can be a starting point for further investigation. You may find that in a party's other businesses he has a reputation for discriminatory employment practices or unsavory advertising or labor policies. If you can conclude that the applicant's record indicates that it will not operate in the public interest, you should call the evidence to the Commission's attention. Often an applicant will have as directors or officers minor stockholders who have good reputations in the community of license and who represent important groups -- and major shareholders who lack comparable credentials. Sometimes the more reputable stockholders

purchase their stock with money loaned by the others. Studying these arrangements may be important to determining where the real control lies.

Questions 19 and 20 inquire about past or present interests of the parties in other broadcast properties. If the answers indicate other broadcast interests, it would be wise to examine the FCC files for the other broadcast stations, looking particularly for past violations of law, public complaints, and charges of monopolistic practices. Section 21 seeks to find out about other broadcast interests of relatives in the immediate family. Here, too, you should examine the files. Of course, the sins of the parent are not visited upon the child if the child is truly independent. But one family member may serve as a front for another in an attempt to get around laws and regulations.

Question 22 calls for information about any arrangements whereby the applicant may surrender control of the station. Since the Commission selects the best available applicant for each station, it expects that the applicant chosen will take full responsibility for operating the station in the public interest. Ordinarily, any arrangement which delegates control to third parties not approved by the Commission is unlawful. Therefore you should read carefully any documents filed in answer to this question.

Section III. Section III deals with the applicant's financial qualifications. In the case of transfer of a station which is operating profitably, the applicant must show that it is solvent and has sufficient liquid assets to meet several months' operating expenses. Of course, many stations are purchased with borrowed money. In such cases the revenues of the station and the liquid assets available to the applicant should be sufficient to meet the required payments. In an application for a construction permit (Form 301) the applicant must demonstrate that it can pay all of the costs associated with constructing the station and beginning to operate. This part of the application is almost certain to be complex and to be understandable only with professional help. The layman should watch particularly for one thing -- the source of the funds. Bear in mind the old saying, "He who pays the piper calls the tune."

Form 323
Ownership Report

Form 323 provides additional or updated information about the individual or corporation controlling a broadcast license. It is filed each time an applicant seeks license renewal; within thirty days of FCC approval of a construction permit or the assignment or transfer of a license; and within thirty days of changes in information in a previously filed Form 323. The form's purpose is to make public information about

the individuals who actually control the station license and any contracts or other transactions which may cede partial control or influence to others.[8]

The form provides a listing of partners or corporate directors of the license and information about the stock they own. It also requires the filing of such contracts as those with networks or others controlling significant amounts of station time and with outside management contractors who may, in effect, control the policies or operation of the station. Ownership Reports are part of the station's public file.

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[8]Persons seeking to understand Form 323 should read the instructions, which include a copy of Section 1.613 and Section 1.615 of the FCC rules relating to Ownership Reports.

VII. FORMS USED BY NONCOMMERCIAL EDUCATIONAL STATIONS

All noncommercial educational stations, from the largest of the public television stations to the smallest student-run educational FM station on a college campus, use the same forms. Having many different kinds of stations report on the same forms has apparently led the FCC to compromise significantly on the information it solicits and to overlook the increasingly important services rendered by public television.

The two application forms used by noncommercial educational stations are:

Form 340 - Application for Authority to Construct or Make Changes in a Noncommercial Educational TV, FM, or Standard Broadcast Station

Form 342 - Application for Renewal of Noncommercial Educational TV, FM, or Standard Broadcast Station License

The third form these stations use is Form 323 E - Ownership Report.

Form 340
Application for Authority to Construct or Make Changes in a Noncommercial Educational TV, FM, or Standard Broadcast Station

Form 340 consists of eight parts:

Section I - Biographical Information

Section II - Legal Qualifications of Broadcast Applicant

Section III - Financial Qualifications of Broadcast Applicant

Section IV - Statement of Program Service of Broadcast Applicant

Section V-A - Standard Broadcast Engineering Data

Section V-B - FM Broadcast Engineering Data

Section V-C - Television Broadcast Engineering Data

Section V-G - Antenna and Site Information

Section I - Biographical Information. Section I is two pages long.

Question 1 - Requests name and address of applicant

Question 2 - Requests name and address of person to whom communications should be sent, if different from 1. The station's attorney is usually named.

Question 3 - Form 340 is used to apply for new stations and to apply for changes in existing stations. The applicant must indicate for what purpose the form is being used.

Question 4(a)- The facilities requested and the location of the main studio and transmitter are to be described.

Question 4(b)- In some cases (see instructions) the applicant need not file all sections of Form 340 or may rely on previously filed sections from other applications. It must indicate which sections are included with the present application and where other sections it relies upon are located. It must also indicate whether any information in previously filed sections should be changed and, if the answer is "yes," to explain the changes. Finally, the applicant is asked whether the application is being filed to impede, obstruct, or delay a Commission determination. Since it must certify that this is not the application's purpose, the answer will always be "no."

The applicant signs Section I and indicates who prepared the various sections and exhibits.

Section II - Legal Qualifications. In Section II, the applicant must describe its legal qualifications for operating a noncommercial educational station, indicating who is responsible for the application and who will control the facility if the application is granted. The applicant's representativeness may indicate how responsive the station will be to the needs of all elements of your community.

Question 1 requires a description of the applicant's character and legal nature. Examine it carefully.

Question 2 inquires whether the applicant is a nonprofit educational institution and, if it is, how the proposed station will further its educational purposes.

Question 3 requests a copy of the by-laws, articles of incorporation, or other legal papers under which the applicant is established.

Question 4 requires specific reference to the section of the articles of incorporation which empower the applicant to operate a broadcast station.

Question 5 through 8 inquires about the applicant's citizenship and possible relationships to foreign governments.

Question 9 requires information about any criminal activities of the applicant.

Question 10 asks whether the applicant is controlled by another entity and, if it is, for a description of that relationship.

The table required by Question 12 is of special interest. It requests identification by name and residence, office held, citizenship, and occupation or profession of the applicant's officers and directors -- the individuals who will exercise ultimate control over the station if the application is granted. Are women and significant minority groups of your community represented?

In Question 12 nonprofit organizations must demonstrate that their directors are "broadly representative of the educational, cultural, and civic groups in the community." Are they? Are minority groups represented?

Question 13 and its sub-parts concern any arrangements made for the future control of the facility being applied for. Problems of control may arise if another party owns the facilities the applicant uses.

Question 14 requests an authorization of the application for the broadcast facility.

In Question 15, the applicant must describe any other broadcast facilities in which it or its participants have or have had an interest.

Section III - Financial Qualifications. In Section III, the applicant must demonstrate its financial ability to construct and operate for the first year the facility for which it is applying. It must also detail construction and operating expenses and outline the resources available for meeting them. If you have any questions about the applicant's ability to finance the proposed station, you might seek a lawyer's or accountant's help in analyzing Section III. Note the sources upon which the applicant will rely. Are these financial commitments likely to influence its operation of the proposed station?

Section IV - Statement of Program Service. The program proposal required of noncommercial educational stations is less detailed than that submitted by commercial broadcasters. The entire section consists of a single page posing five questions.

Question 1 - Asks the applicant the "purpose and objective" of the proposed station and requests a description of its "program policies." This form gives no instructions, so the applicant needs only to develop a plan which fits his idea of what is educational.

Question 2 - Asks for a proposed week's program schedule and a description of any program whose title is not explanatory. This list may be hypothetical but must reflect the applicant's program policy.

The middle third of Section IV defines program types and sources applicable to noncommercial educational stations. These definitions differ considerably from those assigned to commercial stations.

Question 3 - Asks whether the proposed station will be used to promote any activity other than education. If the answer is "yes," the circumstances must be described.

Question 4 - Asks the applicant to describe the facilities, equipment, and staff it will provide. Is the applicant committing resources to the station which are equal to its capabilities? Is the staff sufficient to meet the needs of the community, and will it be representative of the community's racial and ethnic groups? (Educational stations must comply with the FCC's Equal Employment Opportunity rules.)

Question 5 - Asks whether the station will be affiliated with an educational network.

The applications are difficult to evaluate because they request no specific information, they require no ascertainment of community needs, and no precise criteria have been developed for evaluating program proposals.[1] It is worthwhile, however, to consider the station's policy statement (Question 1) and proposed program schedule (Question 2) in terms of the educational, informational, and cultural needs of the entire community. Has the applicant proposed program policies and practices to meet these needs? How do his program proposals compare to those of commercial applicants required to ascertain community needs and interests? Do the

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[1]Of course, noncommercial educational stations must adhere to the 1960 Programming Statement and the Fairness Doctrine.

proposals made meet the standards suggested in the FCC's 1960 Programming Statement? Will the public interest be served by approving the application rather than having no station at all? Is it possible to amend the application? This question is especially important if granting the application leaves no more frequencies for future applicants to use.

Section V - Engineering Data. This technical information is ordinarily of little interest, but a station's ability to serve all elements of a community will depend, in part, upon its ability to provide an adequate broadcast signal to all parts of the service area. If you have any doubt about the technical specifications of the proposed station, ask an engineer to help you interpret this data.

Form 342
Application for Renewal of Noncommercial Educational TV, FM, or Standard Broadcast Station License

Form 343 consists of three sections:

Section I - Biographical Information

Section II - Renewal Application Engineering Data

Section IV - Statement of Program Service

Section I - Biographical Information. Section I identifies the applicant, the facilities it operates, and the persons completing the various sections of the form.

Section II - Renewal Application Engineering Data. This information is usually of little interest. If you have questions about the station's technical operation, however, get a qualified technician's assistance.

Section IV - Statement of Program Service. Section IV, Statement of Program Service, poses three questions on a single page. (About half of it is devoted to definitions of program types and sources.) No ascertainment of community needs, and little other data, is required.

Question 1(a) - The applicant must submit program logs for a week of his choosing from the current school term or for a period occurring within 90 days of the filing. A randomly selected "Composite Week" is not required. This procedure may be practical for small college FM stations which may not broadcast during the entire year, but it is less appropriate for metropolitan ETV stations.

Question 1(b) - The applicant must list hours of operation on weekdays, Saturdays, and Sundays and total hours of operation per week as represented in the sample week logs. Is the applicant's schedule limited to school hours during the daytime, to weekdays, or to other periods which make it less than a full-time operation? Do the hours of operation serve the best interest of the applicant or of the public?

Question 1(c) - The applicant must list the hours and the percentage of time devoted to programs from various program sources. Is a good balance achieved among programs from different sources? Are local programs broadcast? Do they go beyond school programs? Consult the sample week logs.

Question 1(d) - Based on the station-selected sample week, the applicant indicates how it divided its time among program types. Does the station offer varied programming, or is the fare limited to one or two types?

Question 2 - Asks whether the applicant's schedule will remain the same. If its answer is "no," it must explain contemplated changes.

Question 3 - Asks whether the applicant is affiliated with a network.

The station's sample week logs may be useful, but they will not reveal the exact nature of the programs presented. No information is requested about the applicant's program policies, the educational needs being served, or the staff and facilities available to serve the community. This lack of specific program information, especially in the case of educational television stations, makes it difficult to evaluate the program proposals' adequacy.

Form 323E
Ownership Report

Noncommercial educational licensees use Form 323E to file Ownership Reports with the FCC. Perhaps the most important data the two-page form contains is a list of the licensee's officers and directors and their chief business interests. The form requests no information about the race, ethnic background, or educational or cultural representativeness of the directorship. This report must be filed within 30 days after the filing of an original construction permit and at three year intervals thereafter.

If interim changes occur in the directorship, a new Form 323E must be filed. Licensees operating more than one station are allowed to file a single Ownership Report.

Does the station directorship represent the various elements in your community? Are women and minority groups included?

VIII. EQUAL EMPLOYMENT OPPORTUNITIES

The Federal Communications Commission is the first of the federal regulatory agencies to have issued rules that forbid its licensees to engage in discriminatory employment practices. These rules went into effect in 1971. They forbid discrimination on the basis of race, color, religion, sex, or national origin. They also require that a broadcasting station or other type of communication enterprise licensed by the FCC shall have an affirmative program to recruit, train, and promote minority people and women.

The FCC rule making resulted from a petition filed in 1967 by the Office of Communication, the Board for Homeland Ministries and the Commission for Racial Justice of the United Church of Christ. The U.S. Department of Justice, more than thirty senators and representatives, the U.S. Civil Rights Commission, and many religious and civic organizations supported the petition. The rules were issued in 1969 but did not immediately become effective.

The FCC employment rules are closely related to the equal employment opportunity requirements set up by the Civil Service Commission for governmental agencies after the passage of the Civil Rights Act of 1964. The FCC requires broadcast licensees with five station employees or more to submit Annual Employment Reports (Form 395). Every three years each station must file a detailed Equal Employment Opportunity Program, together with an analysis of the results it is expected to achieve (Section VI of the license renewal application). The scope of each program can vary with station size and with the nature of the minority population of the service area, but the purpose of the plans is to insure equality of opportunity in all aspects of station employment, and to do it <u>now</u>, not at some unspecified time in the future.

Form 395 appears in Appendix I, and Section VI, in Appendix H.

Form 395
Annual Employment Report

The Annual Employment Report, called Form 395, reveals the number of minority group members employed and the kinds of jobs they hold. Broadcasters have been submitting the report to the FCC since May, 1971. They must file it annually before May 31, and they must make it available in their public files for seven years. (The FCC must keep it in its public files as well.) The report must reflect the employment figures from any one payroll period in January, February or March, and the same payroll period should be used in each year's report. It requests information on three kinds of employees: full-time, part-time, and those participating in on-the-job training programs.

Minority Group Identification. Two sets of statistics are requested, one dealing with all employees and one with minority group employees, identified by the FCC as "Negro, Oriental, American Indian, Spanish Surnamed Americans." Statistics are to indicate the numbers of males and females in each category. The "American Indian" category is to include Eskimos and Aleuts, and "Spanish Surnamed Americans" is to include all persons of Spanish, Mexican, Puerto Rican, South American, or Cuban origin.

Job Categories. Some stations use job categories to create overly favorable impressions. A person identified as a trainee might in fact be a janitor; a man said to be employed in the production department could be an unskilled laborer whose duties are moving property in a studio. If you suspect that the station you are examining is exaggerating its employees' positions, you may want to do your own research, if at all possible, into the kinds of work station employees actually do.

The job categories used by the FCC (which, unfortunately, are not based on broadcasting positions) are defined as follows:

1. Officials and Managers: These occupations require administrative personnel who set broad policies, exercise overall responsibility for executing these policies, and direct individual departments or special phases of a firm's operations. Officials, executives, managers, agents, and buyers are included here.

2. Professional: This category includes accountants, auditors, pilots, architects, artists, scientists, engineers, designers, dieticians, professional nurses, and teachers. These occupations require either college graduation or experience providing a comparable background.

3. Technicians: These persons are computer programmers, aides to professionals, draftsmen, practical nurses, photographers, scientific assistants and technicians, and radio operators. Their work requires a combination of scientific knowledge and manual skill which can be obtained through about two years of post high school education (offered in many technical institutes and junior colleges) or through equivalent on-the-job training.

4. Sales: Direct selling is the job of persons in this category. They may work as advertising agents and salesmen, insurance and real estate salesmen and brokers, stock and bond salesmen, demonstrators, grocery clerks, and cashier-checkers.

5. Office and Clerical: This category includes all clerical workers, such as bookkeepers, cashiers, bills and accounts collectors, messengers and office boys, office machine operators, stenographers, secretaries, typists, clerks, and telephone and telegraph operators. The duties are predominantly nonmanual, though some manual work not directly involved with altering or transporting products is included.

6. Craftsmen (skilled): These are relatively highly skilled manual workers possessing a thorough and comprehensive knowledge of the processes involved in their work. They exercise independent judgment and usually receive an extensive period of training. Their ranks include building tradesmen, foremen, mechanics, repairmen, skilled machine operators, compositors, typesetters, electricians, engravers, projectionists, job setters, pattern and model makers, stationary engineers, tailors and tailoresses.

7. Operatives (semi-skilled): These workers -- apprentices, auto mechanics, carpenters and other manual laborers, chauffeurs, deliverymen, dressmakers, seamstresses, dyers, furnacemen, laundry operatives, motormen, oilers, painters, firemen, weavers -- operate machine or processing equipment or perform other duties of intermediate skill level which can be mastered in a few weeks and require only limited training.

8. Laborers (unskilled): These employees do manual work which generally requires no special training. Their duties are elementary ones which can be learned in a few days and require the application of little or no independent judgment. This category includes garbage laborers, car washers, gardeners, groundskeepers, longshoremen and stevedores, lumbermen, and wood choppers.

9. Service Workers: These persons, who work in both protective and nonprotective service occupations, include attendants, barbers, cleaners, cooks, counter and fountain workers, elevator operators, fire protection, detectives, porters, waiters and waitresses.

10. Production (on-the-job trainees): This title refers to persons engaged in formal training for craftsmen (skilled) when not trained under apprenticeship programs; they may be operatives (semi-skilled); laborers (unskilled); service workers, and apprentices.

11. White Collar (on-the-job trainees): These persons are receiving formal training to become Officials and Managers; Technicians; Sales Workers, or Office and Clerical Workers.

Comments on Form 395. Form 395 is somewhat flawed by the fact that the job categories it uses are not entirely pertinent to broadcasting's specialized positions.

You may want to supplement the information in Form 395 by doing research on the population of the area in which the station is located and then comparing the number of minority station employees with the number of minority persons in the area. Form 395 statistics will indicate the distribution of positions within the station staff and, compared with your own research, will give you an idea of how the station relates to the overall minority community.

The figures given are unquestionably clear. Anyone examining the form can see the racial breakdown of the station's staff at a glance. This clarity makes Form 395 an invaluable document for evaluating a broadcaster's record as an employer.

Section VI
Equal Employment Opportunity Program

Section VI, a supplement for forms 303, 309, 311, 314, 315, 340, and 342, is included in all license renewal applications filed since January, 1971. Citizens have access to it in stations' public files.

Section VI is divided into three parts, each requiring an exhibit. In Part I, the applicant must describe the specific practices followed to insure nondiscrimination, in Part II, the application and results of the employment program, and in Part III, complaints about employment.

The program delineated in Part I need not be filed "if the station has less than five full time employees or if it is in an area where the relevant minorities are represented in such insignificant numbers that a program would not be meaningful."

The FCC suggests that the affirmative action plan for equal employment opportunity in Part I be divided into four parts:

1. to assure nondiscrimination in recruiting;
2. to assure nondiscrimination in selection and hiring;
3. to assure nondiscriminatory placement and promotion; and
4. to assure nondiscrimination in other areas and in employment practices.

As you read Section VI, bear in mind that the station may or may not be making a good faith effort to supply the information requested. It is possible to present inaccurate or unclear statistics and self-serving descriptions, and you will want to read carefully to determine how much validity the statement has.

Part I. The station is to define its affirmative action objectives, describe the programs it has planned and is implementing to achieve them, and report the degree of success the programs are having. In Part I the station is to indicate specific practices it follows to assure equal employment opportunity for Blacks, Orientals, American Indians, and Spanish Surnamed Americans in recruitment, selection, training, placement, promotion, pay, working conditions, demotion, lay-off, and termination.

It is an unfortunate fact that most stations have their programs written by their Washington lawyers or according to a form they provide. The programs sound impressive but do not always stand up well under scrutiny. You will want to analyze them carefully.

The FCC makes specific suggestions for assuring nondiscrimination in different areas. Many are easily met, but outsiders find it difficult to evaluate their results. You can judge the worth of the program most effectively by talking with minority people on the job, if any, remembering, however, that their positions must be protected. If the station has no minority employees, perhaps you can find other sympathetic employees to talk with.

Practices recommended in Section VI and questions for you to consider follow.

1. To assure nondiscrimination in recruiting:

   a) Posting notices in station employment offices informing applicants of their equal employment rights and their right to notify the Federal Communications Commission or other appropriate agency if they believe they have been the victims of discrimination.

      Are notices posted where they can be seen? Do they include the FCC address? Are media besides bulletin boards used to communicate policy to all company employees? Do notices appear in other languages than English? Are company facilities and employee recreational activities maintained on a non-segregated basis?

   b) Placing a notice in bold type on the employment application informing prospective employees that discrimination because of race, color, religion, national origin, or sex, is prohibited and that they may notify the Federal Communications Commission or other appropriate agency if they believe they have been discriminated against.

      Stations frequently use employment applications supplied by the National Association of Broadcasters. These applications should have a notice referring to the Civil Rights Act of 1964 printed in the upper right-hand corner. If other application forms are used, see whether they include

this notice. Some stations, instead of providing applications, ask the applicant to write his or her qualifications and background. If interviews rather than written information are required, find out, if you can, how they are handled:

1) Does the employer ask questions about race, religion, or national origin?

2) Does he say certain jobs must be held by only a male or only a female?

3) Does he state any age requirements?

4) Does he ever refuse an applicant a job because of his draft status?

5) Does the employer ever say, "We'll hire you if the references check out?"

6) Does the interviewer ever tell an applicant with small children that he or she cannot be hired because of problems involved in obtaining day care?

7) If discussing police records, does the interviewer differentiate between arrests and convictions?

c) Placing employment advertisements in media which have significant circulation among minority-group people in the recruiting area.

Do advertisements for job applicants say the broadcaster is an "Equal Opportunity Employer?" If the station is located in an area with no minority groups or with minority groups but no media directed principally to them, does it advertise in nearby cities or counties? Does it advertise in the trade journal Broadcasting or in college newspapers? Do local newspaper editors promote minority group causes? Do area radio stations announce job openings on the air? How often?

d) Recruiting through schools and colleges with significant minority-group enrollments.

Does the station maintain liaison programs with local schools having substantial numbers of minority group students (particularly with student placement centers, educational talent search programs, and communications departments)? If the area has no colleges, does the station recruit at schools in other parts of the state? Does it employ and train students? Does it offer scholarships to minorities? (One South Dakota station grants a $500.00 scholarship fund to a local college to assist students of American Indian heritage study broadcast engineering.) Does

the station limit its liaison programs to technical or business schools which discriminate? Can interested students visit the station at any time? Are station staff members available for public speaking engagements at local schools?

e) Maintaining systematic contacts with minority and human relations organizations, leaders, and spokesmen to encourage referral of qualified minority applicants.

The broadcaster should send copies of his equal employment policy to private employment agencies, state employment agencies, governmental agencies, educational institutions, minority training centers, community organizations dedicated to furthering minority employment, job banks, and GI forums. Bear in mind that employment sources do not automatically supply job applicants regardless of race, color, religion, sex, or national origin but must be asked to do so.

f) Encouraging present employees to refer minority applicants.

Are employees told when jobs become available? Are minority employees allowed to apply for other jobs within the station? Does the station interview every applicant whether or not jobs are currently available? When openings occur, are the personnel files checked for minority group persons who applied at an earlier time? Do minorities have access to the files?

g) Making known to all recruitment sources that qualified minority members are being sought for consideration whenever the station hires.

When filling job vacancies, does the station seek the assistance of organizations concerned with minority rights? Stations should maintain regular contact with recruitment sources rather than seeking their assistance only when they need new employees.

2. <u>To assure nondiscrimination in selection and hiring</u>:

a) Instructing personally those of your staff who make hiring decisions that minority applicants for all jobs are to be considered without discrimination.

Who hires personnel? Does the responsibility for administering the station's equal employment policy rest with people at all supervisory levels? Who is responsible for seeing that the persons recruiting and selecting personnel adhere strictly to the general equal employment policy? Are applicants interviewed by the appropriate person, e.g., applicants for sales

positions by the sales manager? Does the station have an Employee Relations Department to which job openings are reported and which conduct a continuing survey of minority group employment in each department and sub-department? Do the Employee Relations Department and manager evaluate equal opportunity practices and identify those areas needing special efforts? Is discrimination reported in writing? Are violators of the equal employment program penalized? If the station does annual surveys, do they contain specific information on job openings filled during the previous twelve months? The record should contain the following information:

1) How many applicants applied for the position?

2) How many of the applicants were minority group members?

3) How many applicants were selected for consideration by the department head?

4) How many of those selected for consideration were minority group members?

5) Why were other minority group applicants not selected for consideration?

6) Who was recommended for employment and hired?

7) Were any minority group members selected for consideration but not hired? Why were they not hired?

8) Are the applications of those interviewed but not hired returned to the Employee Relations Department? Do supervisory personnel and executive managers meet to discuss minority hiring practices?

b) Where union agreements exist:

1) Cooperating with your unions in the development of programs to assure qualified minority persons of equal opportunity for employment.

2) Including an effective nondiscrimination clause in new or renegotiated union agreements.

Do labor unions have copies of the company's equal employment policy? If the station and unions have a collective bargaining agreement, are the unions notified of job openings in their jurisdiction so they in turn can notify applicants?

c) Avoiding use of selection techniques or tests which have the effect of discriminating against minority groups.

Are the tests required by an employer directly relevant to the job? Are they unnecessarily rigorous? When a job applicant is rejected because of his test performance, is a confidential notation explaining the reasons for his rejection added to the files? Is the application retained so the applicant can be considered for other positions? Does the station advise employment agencies with whom it places job orders that testing applicants must be done in accord with the Equal Employment Opportunity Commission's guidelines and that the agency will need to give the station written evidence of the tests' validity?

3. To assure nondiscriminatory placement and promotion:

a) Instructing personally those of the station staff who make decisions on placement and promotion that minority employees are to be considered without discrimination, and that job areas in which there is little or no minority representation should be reviewed to determine whether this results from discrimination.

Does this policy apply to all positions? Is the station director responsible for personally instructing on this policy all station employees working in placement and promotion? Are all new management personnel informed of this policy when introduced to their jobs? Does the company support training and educational programs? Are such programs open equally to all employees? Are minorities encouraged to advance into management positions? If discriminatory practices are discovered, does the station's Equal Employment Opportunity director take immediate steps to stop them? Does the station retain all documents relating to placement, promotion, or discharge of individuals? For how long?

b) Giving minority group employees equal opportunity for positions which lead to higher positions. Inquiring as to the interest and skills of all lower paid employees with respect to any of the higher positions, followed by assistance, counselling, and effective measures to enable employees with interest and potential to qualify themselves for such positions.

Does the station periodically review each employee's qualifications and potential to assure that he receives merited advancements or transfers? Are minority employees encouraged to enroll in company-offered or subsidized education or training programs?

c) Reviewing seniority practices and seniority clauses in union contracts to insure that such practices or clauses are nondiscriminatory and do not have discriminatory effect.

Do unions cooperate with the station in encouraging the granting of seniority to qualified minority group employees? Are seniority clauses in union contracts reviewed periodically rather than only at the time of renegotiated union agreements? Are salaries and work benefits equal for all employees?

4. To assure nondiscrimination in other areas of employment practices:

a) Examining rates of pay and fringe benefits for present employees with equivalent duties, and adjusting any inequities found.

Are salaries and benefits periodically analyzed to insure that they are administered equitably? Are classifications, compensation practices, and transfer and promotion systems reviewed? Are minority group employees compensated according to the same standards as non-minority employees? Are pay raises based on length of service, competence, and station finances?

b) Advising all qualified employees of opportunities to perform overtime work.

Is overtime work allotted on a nondiscriminatory basis? Is it open only to persons holding entry-level clerical or blue-collar positions? Is it open to new employees?

Part II. Part II of Section VI requires applicants to submit an exhibit showing how the station has applied the specific practices outlined in its equal employment opportunity program. The applicant is also required to note how its equal employment opportunity practices affect the employment, hiring, and promotions of minority group members. (Stations with fewer than five employees or stations in areas without a significant number of minorities need not file.)

To determine whether the station carries out its equal employment policies, citizens must independently review station actions. First, check the area's population statistics. The census should reveal minority group numbers and the percentage they make up of the total population. It should also enable you to examine the number of unemployed minority persons in the area; the total work force in the area and the percentage of it that minority workers constitute; the expansion and turnover expected in the work force; the existence of institutions capable of training minorities; and the kind of training a station can

make available to minorities. If you find that the station is not meeting its obligations, discuss the matter with the person responsible for administering its equal employment opportunity program.

Part III. Part III of Section VI requires a description of any complaints alleging that the station has unlawfully discriminated in employment practices. If a complaint has been filed before any body having jurisdiction under Federal, State, territorial, or local law, the applicant must name the persons involved, the date of filing, the court agency, the file number of the complaint, and a statement of the current status of the matter.

Note that even in cases in which applicants are not required to file Part I and Part II, they should comply with the requests made in Part III.

Comments on Section VI. The Office of Communication of the United Church of Christ has conducted studies of television station employment practices, based on the Annual Employment Reports (Form 395) and Section VI of the license renewal application. These studies have revealed that the statistics provided in Form 395 are accurate in providing total figures, but questionable classifications and job titles make the data less useful for determining the number, race, and sex of managerial, professional, and technical employees. The information provided in Section VI is often unclear and inaccurate. Furthermore, Section VI and Form 395 claims are sometimes inconsistent. You must watch for these and other problems in examining a station's equal employment opportunity program.

The FCC does not require broadcasters to state their employment goals or to evaluate how well their programs achieve them. The question Section VI asks if broadcasters permits them to evade the real issues, if they choose to do so, by speaking in generalities and emphasizing procedures rather than results. The FCC, unfortunately, does not require self-appraisal or specific proposals for improvement.

Form 395 and Section VI are not necessarily comparable. Some stations do not consistently use the job categories designated by the Equal Employment Opportunity Commission and prescribed by the FCC when they prepare the two forms. Instead they use different terms in one document from those in the other, making comparison impossible. Also, some stations have not reconciled the employment statistics presented in Section VI with those given in Form 395.

The vagueness of Section VI also permits population and employment statistics to be distorted. For example, some stations studied have combined minority population figures in immediate markets or cities of license with statistics from rural areas in the service area, thereby diluting them. Others have combined figures for part - and full-time employment and presented them as one unit. Some have listed former

employees as being presently employed, and some gave figures for corporate divisions, or for several facilities, rather than for the individually licensed broadcasting stations.

You may be able to glean useful information from the employment programs described in Section VI. You should examine them as part of your investigation of station practices, but you may find them less useful than the Annual Employment Reports.

Appendix A

ORGANIZATIONS OFFERING ASSISTANCE

The following organizations offer assistance to citizen groups seeking to improve broadcasting:

American Civil Liberties Union
22 East 40th Street
New York, New York 10016
(212) 725-1222

Anti-Defamation League of B'nai B'rith
315 Lexington Avenue
New York, New York 10016
(212) 689-7400

Broadcasting and Film Commission
National Council of Churches of Christ
in the U.S.A.
475 Riverside Drive
New York, New York 10027
(212) 870-2567

Institute for American Democracy
Suite 101
1330 Massachusetts Avenue NW
Washington, D. C. 20005
(202) 737-1226

National Citizens Committee for
Broadcasting
4101 Nebraska Avenue NW
Washington, D. C. 20016
(202) 244-3500

Office of Communication
United Church of Christ
289 Park Avenue South
New York, New York 10010
(212) 475-2127

Citizens Communication Center
1812 N Street NW
Washington, D. C. 20036
(202) 296-4328

Action for Children's Television (ACT)
46 Austin Street
Newtonville, Massachusetts 02160
(617) 244-5941

Black Efforts for Soul in Television (BEST)
1015 North Carolina Avenue SE
Washington, D. C. 20003
(202) 547-1258

NAACP Legal Defense and Educational Fund (LDF)
10 Columbus Circle
New York, New York 10019
(212) 586-8397

Mexican American Legal Defense and
Educational Fund (MALDEF)
145 Ninth Street
San Francisco, California 94103
(415) 863-5345

National Mexican-American Anti-Defamation
Committee (NMAADC)
1356 Connecticut Avenue NW
Washington, D. C. 20036
(202) 833-2667

Stern Community Law Firm
2005 L Street NW
Washington, D. C. 20036
(202) 659-8132

Appendix B

KDFW-TV AMENDMENT TO RENEWAL APPLICATION

Introduction

In the course of its efforts to ascertain and respond to the needs and interests of its service area, KDFW-TV (hereafter "the station") has continued to meet with representatives of minority groups in the Dallas-Fort Worth area. In the course of these discussions, the station amplified the affirmative action and minority programming undertakings in its pending renewal application. This process has led to the clarification of the following goals for the coming renewal period. Since the attainment of these goals, particularly with respect to employment, are only partially within the control of the station, the station's undertakings in these areas are undertakings to pursue the goals diligently and in good faith. These undertakings are as follows:

1. (A) To hire a black newsman by July 1, 1971; a Mexican-American newsman by July 1, 1972; and an additional minority newsman by July 1, 1973. These newsmen will be assigned to appear regularly on all regularly scheduled news programs including those scheduled in evening prime hours (6 PM and 10 PM) on the following basis:

I) In the case of inexperienced newsmen, after adequate training (a period of three to nine months in all but exceptional cases; e.g., training for an inexperienced newsman hired July 1, 1971, would be completed in the period beginning October 1, 1971 and ending March 30, 1972).

II) In the case of an experienced newsman, after an orientation period not to exceed one month. Moreover, in an effort to minimize this period for the newsman whom the station hires on or before July 1, 1972, the station will use its best efforts to hire an experienced newsman for that position. In any event, at least one minority newsman will appear as above no later than June 1, 1972.

(B) By June 1, 1972 to increase employment in the News Department of members of recognized minority groups to at least 15%.

(C) As soon as possible and in no event later than January 1, 1972, to hire a full-time director for minority public affairs, public service and program matters, including local, syndicated and network.

(D) To increase to 15% by June 1, 1972 the proportion of minority employees.

(E) To make available to all job applicants information concerning the availability through the station of on-the-job training for employees and interns, and of scholarships to attend recognized schools of broadcasting.

(F) To meet with The Greater Dallas-Fort Worth Coalition for the Free Flow of Information (hereinafter "CFFI") and other groups in an effort to improve its existing procedures for notifying minority persons of existing job vacancies. (See affirmative action programs, paragraphs 1(a), (b), (c), (d), (e), (f) and (g), and paragraph 3(c) and (e).

(G) Not to discriminate on the basis of sex in its employment policies or practices.

2. (A) To establish a scholarship program to assist students from the station's service area and/or staff members to take broadcast-related courses or to enroll in broadcast schools in this area. The nature and extent of any particular scholarship award will depend on the qualifications and career objectives of the scholarship applicant, the needs of the station, and the educational opportunities available. During the first year of the program (January 1, 1972 to December 31, 1972), the station will offer to pay the tuition costs for at least three students and/or staff members selected by the station to participate in the program. In the following year, the station will offer four such scholarships and will continue to offer four such scholarships until the level of minority employment at the station is in proportion to the minority population of the station service area.

(B) The funds advanced by the station for such tuition costs will be repaid to the station by the student or staff member under certain circumstances as follows:

I) Each person for whom tuition costs are paid by the station will execute a non-interest bearing note payable to the station covering such amount.

II) Staff members who continue in the employ of the station following completion of their studies will be forgiven 1/12 of such amount for each month of service with the station following completion of their studies. Any such amount not so forgiven will be repaid to the station by such staff member within a reasonable period of time.

III) Students who are employed by the station within 12 months following completion of their studies will be forgiven 1/12 of such amount for each month of service with the station, or if not offered employment by the station within such 12 month period will be forgiven all of such amount. Students who decline employment so offered by the station will repay all of such amount to the station within a reasonable period of time.

These scholarships will be available exclusively to members of recognized minorities until the level of minority employment at the station is in proportion to the minority population of the station's service area.

(C) Effective August 1971, to establish two internships over and above those covered in union contracts (full-time during summers and part-time during the school year) to provide training and employment for local college students from minority groups who are interested in broadcasting careers.

3. To review one or more of the programs that have been developed by such companies as Bell & Howell to increase awareness of the minority condition and of the heritage, culture and contributions of minority groups in this country. Upon selection of an appropriate program, the station will conduct it for the benefit of each department at least once during the renewal period.

4. At present the station's public affairs program include two locally produced weekly series, Operation Crossroads and Point of View. In its renewal application the station undertook to use these programs as vehicles for the treatment, among others, of iddues of interest and relevance to the minority community.

In addition to the specific program undertakings contained in the station's renewal application as filed, effective January 1, 1972 the station undertakes to produce 9 to 12

half-hour documentaries annually to be broadcast in evening viewing hours (6-11 p.m.). At least two-thirds of these programs will be devoted to issues of direct concern and relevance to the minority community as a means of increasing general community awareness of the minority condition. The station's director of minority affairs and its minority news staff members will be involved in planning these programs. Moreover, the station will solicit the views of CFFI and other minority groups regarding appropriate subject for these broadcasts and their treatment.

Among the subjects considered appropriate for treatment in this series are programs which:

> Deal with the programs, issues and information relating to the area's poverty and economic development, housing, the confluence of cultures in the Southwest, the heritage and accomplishments of the racial minorities, the rights of women, and similar topics dealing with the theme of improving the quality of life.
>
> Explore current religious issues in the context of contemporary religious thought and action.
>
> Probe the educational problems and potentialities of the station's service area including the need for and opportunities for bilingual education for Spanish-speaking minorities.

5. To portray all persons involved in its locally produced programs in a fair and dignified way and not to consider it appropriate to portray minority persons in a subordinate or stereotyped manner.

6. To continue to seek to broaden its coverage of significant news events in the minority community.

7. To have a member of the station's executive committee available to meet regularly with CFFI and other minority group representatives regarding the special needs and interests of the minority community and the ways in which they can be best served by the station. In order to inform the licensee's board of directors of the substance of these meetings, the station agrees to participate in the preparation of reports covering the significant matters discussed. In cases where the minority group representatives consider it appropriate to do so, they may prepare a separate statement of their views on any matter in dispute which shall be associated with the report for the board of directors.

8. The Federal Communications Commission has under consideration proposals which, if adopted, would require a station to make certain announcements with respect to its efforts to ascertain needs and interests. Since the station considers that it is more effective to reach community leaders directly, the station will work with CFFI and other minority group organizations to develop lists of additional community leaders to be contacted.

9. To make no unessential reference to the race of a person. In cases where such references are made, the same practice will be followed for blacks, Mexican-Americans and American Indians as for whites. The station will continue to use courtesy titles for all women without regard to race. It is standard operating procedure for the station to review all commercials before they are broadcast and not to carry commercials which the station considers not to serve the public interest.

10. As one part of the station's effort to make more effective its attempts to explain its program for producing and broadcasting local public service announcements, it will develop and distribute a brochure explaining how to use the station for this purpose.

11. To notify the NAB and other broadcast industry trade organizations of which it is a member of its policy in the area of minority employment and its concern with the use of minority stereotypes in commercials. In addition, the station will inform the local firms who produce commercials for use on the station regarding the station's position on these issues.

12. In covering demonstrations, picketing and similar events, will seek to represent the diverse views which gave rise to the event.

13. As indicated above (paragraph 7), the station has undertaken to establish a procedure for regular meetings with representatives of minority groups including CFFI. It is anticipated that these sessions will include discussion of the station's minority employment and programming efforts and provide a means for the station to discuss any significant changes in these areas with the minority group representatives. Should it become necessary for the station to make a significant change in its program or affirmative action policy, the station will notify the Commission and furnish a copy of the communication to the Commission to a representative designated by CFFI in writing to the station. The

station will endeavor to reflect the spirit of this amendment in any changes that are necessary to make.

14. The station agrees to file this amendment as a part of its pending license renewal application.

Appendix C

STATION RENEWAL DATES

Stations are licensed for a three-year period. Ninety days prior to the expiration of its license, a station must submit its application for renewal. All licenses in a given state expire at the same time. Citizen objections may be filed any time prior to the renewal date with the exception of formal Petitions to Deny, which must be submitted 30 days prior to expiration of license (or 60 days after application is filed.) All station licenses expire by state on the following schedule and at three-year intervals thereafter.

February 1,	1974 - 1977 - 1980	Iowa, Missouri
April 1,	1974 - 1977 - 1980	Minnesota, North Dakota, South Dakota, Montana, Colorado
June 1,	1974 - 1977 - 1980	Kansas, Oklahoma, Nebraska
August 1,	1974 - 1977 - 1980	Texas
October 1,	1974 - 1977 - 1980	Wyoming, Nevada, Arizona, Utah, New Mexico, Idaho
December 1,	1974 - 1977 - 1980	California

February 1,	1975 - 1978 - 1981	Washington, Oregon, Alaska, Guam, Hawaii
April 1,	1975 - 1978 - 1981	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
June 1,	1975 - 1978 - 1981	New Jersey, New York
August 1,	1975 - 1978 - 1981	Delaware, Pennsylvania
October 1,	1975 - 1978 - 1981	Maryland, District of Columbia, Virginia, West Virginia
December 1,	1975 - 1978 - 1981	North Carolina, South Carolina

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February	1, 1973 - 1976 - 1979	Florida, Puerto Rico, Virgin Islands
April	1, 1973 - 1976 - 1979	Alabama, Georgia
June	1, 1973 - 1976 - 1979	Arkansas, Louisiana, Mississippi
August	1, 1973 - 1976 - 1979	Tennessee, Kentucky, Indiana
October	1, 1973 - 1976 - 1979	Ohio, Michigan
December	1, 1973 - 1976 - 1979	Illinois, Wisconsin

Appendix D

PUBLIC NOTICE

Federal Communications Commission ▪ 1919 M Street, NW. ▪ Washington, D.C. 20554

For information on releases and texts call 632-0002

76880

November 9, 1971 - B

LICENSEE OBLIGATIONS REGARDING INSPECTION OF PUBLIC RECORDS

Broadcast licensees were notified by the Commission, in a Public Notice issued February 23, 1971 ("Availability of Locally Maintained Records for Inspection by Members of the Public," 28 FCC 2d 71), that records specified in Section 1.526 of the Rules must be made available for public inspection during the station's regular business hours. Members of the public were not to be required to make appointments in advance or return at some other time.

(Section 1.526(d) of the Commission's Rules provides as follows: "The file shall be maintained at the main studio of the station, or at any other accessible place (such as a public registry for documents or an attorney's office) in the community to which the station is or is proposed to be licensed, and shall be available for public inspection at any time during regular business hours.")

The Commission has now been informed that some persons wishing to inspect public records have been asked to identify themselves, specifying name, address and the organization they represent, and to indicate which documents they wish to inspect.

It should be made clear that the Rules do not provide for any requirement for identification by name or organization of persons seeking to inspect a station's public records.

In addition, since members of the public are often unfamiliar with the terminology of the Commission's Rules and the organization of the public file, a requirement that they identify particular documents before they are permitted to inspect them would be inconsistent with the purposes underlying the rule.

Licensees are directed, therefore, to revise any existing policies or procedures which would thus inhibit full and free access by all individuals and organizations to the public records file.

- FCC -

Appendix E

§ 73.123 PERSONAL ATTACKS; POLITICAL EDITORIALS

(a) When, during the presentation of views on a controversial issue of public importance, an attack is made upon the honesty, character, integrity or like personal qualities of an identified person or group, the licensee shall, within a reasonable time and in no event later than one week after the attack, transmit to the person or group attacked (1) notification of the date, time and identification of the broadcast; (2) a script or tape (or an accurate summary if a script or tape is not available) of the attack; and (3) an offer of a reasonable opportunity to respond over the licensee's facilities.

(b) The provisions of paragraph (a) of this section shall not be applicable (1) to attacks on foreign groups or foreign public figures; (2) to personal attacks which are made by legally qualified candidates, their authorized spokesmen, or those associated with them in the campaign, on other such candidates, their authorized spokesmen, or persons associated with the candidates in the campaign; and (3) to bona fide newscasts, bona fide news interviews, and on-the-spot coverage of a bona fide news event (including commentary or analysis contained in the foregoing programs, but the provisions of paragraph (a) of this section shall be applicable to editorials of the licensee).

Note: The fairness doctrine is applicable to situations coming within (b) (3), above, and, in a specific factual situation, may be applicable in the general area of political broadcasts (b) (2), above. See, section 315(a) of the Act, 47 U.S.C. 315(a); Public Notice: Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance, 29 F.R. 10415. The categories listed in (b) (3) are the same as those specified in section 315(a) of the Act.

(c) Where a licensee, in an editorial, (1) endorses or (2) opposes a legally qualified candidate or candidates, the licensee shall, within 24 hours after the editorial, transmit to respectively (i) the other qualified candidate or candidates for the same office or (ii) the candidate opposed in the editorial (a) notification of the date and the time of the editorial; (b) a script or tape of the editorial; and (c) an offer of a reasonable opportunity for a candidate or a spokesman of the candidate to respond over the licensee's facilities: Provided, however, That where such editorials are broadcast within 72 hours prior to the day of the election, the licensee shall comply with the provisions of this paragraph sufficiently far in advance of the broadcast to enable the candidate or candidates to have a reasonable opportunity to prepare a response and to present it in a timely fashion.

Appendix F

FCC Form 303
February 1969

Form Approved
Budget Bureau No. 52-R016.16

Section I

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION

APPLICATION FOR RENEWAL OF BROADCAST STATION LICENSE

INSTRUCTIONS

A. This form is to be used in all cases when applying for Renewal of Broadcast Station License. It consists of this part, Section I, and the following sections:

Section II, Renewal Application Engineering Data

Section IV-A Statement of AM or FM Program Service

Section IV-B Statement of Television Program Service

B. Prepare and file three copies of this form and all exhibits with the Federal Communications Commission, Washington, D.C. 20554

C. Number exhibits serially in the space provided in the body of the form and list each exhibit in the space provided on page 2 of this Section. Date each exhibit.

D. The name of the applicant must be stated exactly as it appears on the current license.

E. Information called for by this application which is already on file with the Commission need not be refiled in this application provided (1) the information is now on file in another application or FCC form filed by or on behalf of this applicant; (2) the information is identified fully by reference to the file number (if any), the FCC form number, and the filing date of the application or other form containing the information and the page or paragraph referred to, and (3) after making the reference, the applicant states: "No change since date of filing." Any such reference will be considered to incorporate into this application all information, confidential or otherwise, contained in the application or other form referred to. The incorporated application or other form will thereafter, in its entirety, be open to the public.

F. This application shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; by a member who is an officer, if the applicant is an unincorporated association; by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction, if the applicant is an eligible government entity; or by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall, in the event he signs for the applicant, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

G. *BE SURE ALL NECESSARY INFORMATION IS FURNISHED AND ALL PARAGRAPHS ARE FULLY ANSWERED. IF ANY PORTIONS OF THE APPLICATION ARE NOT APPLICABLE, SPECIFICALLY SO STATE. DEFECTIVE OR INCOMPLETE APPLICATIONS MAY BE RETURNED WITHOUT CONSIDERATION.*

File No.

Name and post office address of applicant (See Instruction D)

Send notices and communications to the following-named person at the post office address indicated:

1. Renewal requested for following existing facilities

Call letters	Frequency	Channel No.

Power in kilowatts		Minimum hours operation daily
Night	Day	

Hours of operation

Unlimited ☐	Sharing with (Specify Stations)	Other (Specify)
Daytime only ☐		
Limited ☐		

Station location

City	State

2. Is applicant or any person directly or indirectly controlling applicant, party to a suit in any Federal Court involving the monopolizing, or an attempt to monopolize radio communication directly or indirectly through control of the manufacturer or sale of radio apparatus, by exclusive traffic arrangements, or by any other means, or of using unfair methods of competition? Yes ☐ No ☐

If the answer is "Yes", attach as Exhibit No. a full description of the proceeding, identifying the court and showing where records of the proceeding may be obtained. (See Section 313 of the Communications Act of 1934.)

3. Attach as Exhibit No. a detailed balance sheet of the applicant as at the close of a month within 90 days of the date of this application.

4. Is the applicant's Ownership Report filed with this application? Yes ☐ No ☐
(See 1.615 of Commission's Rules.)
If answer is "No", give date of filing of last Ownership Report and call letters, station location and file number of renewal application with which it was filed.

5. Any change in the citizenship of the applicant? Yes ☐ No ☐

6. Is the applicant a representative of an alien or foreign government? Yes ☐ No ☐

7. List below other businesses in which the applicant or any officer, director, or principal stockholder (any person owning 25% or more of applicant's stock) has a 25% or more interest. List also any radio station other than the station which is the subject of this application in which any of the above named persons have any interest, and the nature and extent of their interest in the broadcast station.

THE APPLICANT hereby waives any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934).

THE APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

THE APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all the exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this ..... day of ....., 19..... .

FEES, EFFECTIVE JANUARY 1, 1964, INCLUDE FILING FEE WITH THIS APPLICATION. SEE PART 1 OF FCC RULES FOR AMOUNT OF FEE. DO NOT SEND CASH. MAKE CHECK OR MONEY ORDER PAYABLE TO THE FEDERAL COMMUNICATIONS COMMISSION.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.

.....
(NAME OF APPLICANT)

By .....
(SIGNATURE)

Title .....

EXHIBITS furnished as required by this form:

Exhibit No.	Section and Para. No. of Form	Name of officer or employee (1) by whom or (2) under whose direction exhibit was prepared (show which)	Official title

Broadcast Application | FEDERAL COMMUNICATIONS COMMISSION | Section II

RENEWAL APPLICATION ENGINEERING DATA

Name of applicant

1. Description of transmitting apparatus

	Make	Type No.	Serial No.
Visual			
Aural			

Tubes in last radio stage

	Make	Type No.	Number used
Visual			
Aural			

2. Operating constants (FM and Television only)

	Visual	Aural
Total plate current to last radio stage in amperes		
Plate voltage applied to last radio stage in volts		
Plate input power to the last radio stage in kilowatts		
Efficiency Factor F of the transmitter at operating power		
RF transmission line meter reading		

3. Indicating instruments: (Standard Broadcast only)

	Range	Normal Reading	
		Day	Night
Plate voltmeter	0-		
Plate ammeter	0-		
Antenna ammeter	0-		

4. Directional antenna operating values (Standard Broadcast only)

Tower	Phase reading in degrees		Antenna base current		Remote indication of antenna current	
	Night	Day	Night	Day	Night	Day
#1						
#2						
#3						
#4						
#5						
#6						

Manufacturer and type of phase monitor used in taking above readings:

Describe equipment used for remote indication of antenna currents (phase monitor or other method)

5. Frequency monitors and control equipment

	Manufacturer's name	Type No.
Visual		
Aural		

How often is the station frequency and the frequency monitor checked with a frequency standard of known accuracy?

Automatic frequency control equipment

Make	Type No.

Furnish following data on last frequency checks

Date	Frequency
Reading of monitors	Method used (Use reverse side of this sheet)

6. Modulation monitors

	Manufacturer's name	Type No.
Visual		
Aural		

7. Phase monitor (if used)

Make	Type

8. Give date of last tower repainting

9. Have changes been made in the fundamental audio or radio circuits of the transmitter affecting the schematic diagram heretofore filed with the Commission? If the answer is "Yes" attach as Exhibit No. an accurate corrected diagram, and brief explanation. Yes ☐ No ☐

10. (a) Have equipment performance measurements been made within the past four months? Yes ☐ No ☐

(b) Give date of last measurements.

(c) Do these measurements show the transmitting system performance to be in accordance with the Standards of Good Engineering Practice? (If the answer to either of the above questions is "No", attach as Exhibit No. a complete explanation.) Yes ☐ No ☐

11. In what respect, if any does the apparatus, antenna, or operation differ from that described in the last application for license or renewal of license?

12. Attach as Exhibit No. the original or one exact copy of the transmitter operating logs for the seven days comprising the composite week analyzed in Section IV of the application. If original logs are submitted they will be returned. (For Standard Broadcast Only)

I certify that I am the Technical Director, Chief Engineer or Consulting Engineer for the applicant of the radio station for which this application is submitted and that I have examined the foregoing statement of technical information and that it is true to the best of my knowledge and belief. (This signature may be omitted provided the engineer's original signed report of the data from which the information contained herein has been obtained is attached hereto.)

Signature _____

(check appropriate box below)

Date _____

☐ Technical Director ☐ Chief Operator

☐ Registered Professional Engineer

☐ Consulting Engineer

Instructions, General Information and Definitions For AM-FM Broadcast Application

1. ***Applicants for renewal of license*** shall answer all questions in this Section IV-A as part of their renewal application. In answering questions on proposed operation where no substantial change from past operation is proposed, applicant may so state.

2. ***Applicants for new AM or FM stations and assignees and transferees of control*** shall file this Section IV-A with respect to Ascertainment of Community Needs (Part I), Proposed Programming (Part III), Proposed Commercial Practices (Part V), General Station Policies and Practices (Part VI) and Other Matters and Certification (Part VII).

3. ***Assignors and transferors of control*** shall file information on Past Programming (Part II), Past Commercial Practices (Part IV) and Other Matters and Certification (Part VII). Questions on past programming shall be answered on the basis of the most recent composite week. Assignors and transferors who have filed an application for renewal of license within eighteen months prior to filing an application for assignment or transfer need not answer any portion of Section IV but must refer to the pertinent filing and identify it.

4. ***Applicants for major changes in facilities*** (as defined in Sections 1.571(a)(1) and 1.573(a)(1) of the Commission's Rules) need not file this Section IV-A unless a substantial change in programming is proposed or unless the information is requested by the Commission.

5. A. Where any of the information required is already on file with the Commission, such information need not be resubmitted, *provided* that the previous application or filing containing the information is specifically referred to and identified and the applicant states that there has been no change since the information was filed.

   B. The replies to the following questions constitute representations on which the Commission will rely in considering this application. Thus time and care should be devoted to the replies so that they will reflect accurately applicant's responsible consideration of the questions asked. It is not, however, expected that the licensee will or can adhere inflexibly in day-to-day operation to the representations made herein.

   C. Replies relating to future operation constitute representations against which the subsequent operation of the station will be measured. Accordingly, if during the license period the station substantially alters its programming format or commercial practices, the licensee should notify the Commission of such changes; otherwise it is presumed the station is being operated substantially as last proposed.

6. The applicant's attention is called to the Commission's "Report and Statement of Policy re: Commission En Banc Programming Inquiry," released July 29, 1960. (FCC 60-970; 25 Federal Register 7291; 20 Pike and Fischer Radio Regulation 1902), copies of which are available upon request to the Commission; and also to the material contained in Attachments A and B to this Section.

7. A legible copy of this Section IV-A and the exhibits submitted therewith shall be kept on file available for public inspection at any time during regular business hours. It shall be maintained at the main studio of the station or any other accessible place (such as a public registry for documents or an attorney's office) in the community to which the station is or is proposed to be licensed.

8. ***Network Programs.*** Where information for the composite week is called for herein with respect to commercial matter or program type classification in connection with national network programs, the applicant may rely on information furnished by the network.

9. ***Signature.***

   This Section IV-A shall be signed in the space provided at the end hereof. It shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer of applicant, if a corporation or association. ***SIGNING OF THIS SECTION IS A REPRESENTATION THAT THE PERSON WHO SIGNS IS FAMILIAR WITH THE CONTENTS OF THIS SECTION AND ASSOCIATED EXHIBITS, AND SUPPORTS AND APPROVES THE REPRESENTATIONS THEREIN ON BEHALF OF THE APPLICANT.***

Definitions

The definitions set out below are to be followed in furnishing the information called for by the questions of this Section IV-A. The inclusion of various types and sources of programs in the paragraphs which follow is not intended to establish a formula for station operation, but is a method for analyzing and reporting station operation.

10. ***Sources*** of programs are defined as follows:

    (a) ***A local program*** (L) is any program originated or produced by the station, or for the production of which the station is primarily responsible, and employing live talent more than 50% of the time. Such a program, taped or recorded for later broadcast, shall be classified as local. A local program fed to a network shall be classified by the originating station as local. All non-network news programs may be classified as local. Programs primarily featuring records or transcriptions shall be classified as recorded even though a station announcer appears in connection with such material. However, identifiable units of such programs which are live and separately logged as such may be classified as local (e.g., if during the course of a program featuring records or transcriptions a non-network 2-minute news report is given and logged as a news program, the report may be classified as local).

    (b) ***A network program*** (NET) is any program furnished to the station by a network (national, regional or special). Delayed broadcasts of programs originated by networks are classified as network.

    (c) ***A recorded program*** (REC) is any program not defined above, including, without limitation, those using recordings, transcriptions, or tapes.

11. ***Types*** of programs are defined as follows:

    If a program contains two or more identifiable units of program material which constitute different program types as herein defined, each such unit may be separately logged and classified.

    The definitions of the first eight types of programs, (a) through (h) are not intended to overlap each other, and these types will normally include all the programs broadcast. The programs classified under (i) through (k) will have been classified under the first eight and there may be further duplication among types (i) through (k).

    (a) ***Agricultural programs*** (A) include market reports, farming or other information specifically addressed, or primarily of interest, to the agricultural population.

Definitions - Cont.

(b) ***Entertainment programs*** (E) include all programs intended primarily as entertainment, such as music, drama, variety, comedy, quiz, etc.

(c) ***News programs*** (N) include reports dealing with current local, national, and international events, including weather and stock market reports; and when an integral part of a news program, commentary, analysis and sports news.

(d) ***Public Affairs programs*** (PA) include talks, commentaries, discussions, speeches, editorials, political programs, documentaries, forums, panels, round tables, and similar programs primarily concerning local, national, and international public affairs.

(e) ***Religious programs*** (R) include sermons or devotionals; religious news; and music, drama, and other types of programs designed primarily for religious purposes.

(f) ***Instructional programs*** (I) include programs, other than those classified under Agricultural, News, Public Affairs, Religious or Sports, involving the discussion of, or primarily designed to further an appreciation or understanding of, literature, music, fine arts, history, geography, and the natural and social sciences; and programs devoted to occupational and vocational instruction, instruction with respect to hobbies, and similar programs intended primarily to instruct.

(g) ***Sports programs*** (S) include play-by-play and pre- or post-game related activities and separate programs of sports instruction, news, or information (e.g., fishing opportunities, golfing instruction, etc.).

(h) ***Other programs*** (O) include all programs not falling within definitions (a) through (g).

* * * * * * * *

(i) ***Editorials*** (EDIT) include programs presented for the purpose of stating opinions of the licensee.

(j) ***Political programs*** (POL) include those which present candidates for public office or which give expression (other than in station editorials) to views on such candidates or on issues subject to public ballot.

(k) ***Educational Institution programs*** (ED) include any program prepared by, in behalf of, or in cooperation with, educational institutions, educational organizations, libraries, museums, PTA's or similar organizations. Sports programs shall not be included.

12. ***Commercial matter*** (CM) includes commercial continuity (network and non-network) and commercial announcements (network and non-network) as follows:

(a) ***Commercial continuity*** (CC) is the advertising message of a program sponsor.

(b) ***A commercial announcement*** (CA) is any other advertising message for which a charge is made, or other consideration is received.

(1) Included are (i) "bonus" spots, (ii) trade-out spots, and (iii) promotional announcements of a future program where consideration is received for such an announcement or where such announcement identifies the sponsor of the future program beyond mention of the sponsor's name as an integral part of the title of the program (e.g., where the agreement for the sale of time provides that the sponsor will receive promotional announcements, or when the promotional announcement contains a statement such as "LISTEN TOMORROW FOR THE [NAME OF PROGRAM] BROUGHT TO YOU BY [SPONSOR'S NAME]").

(2) Other announcements including but not limited to the following are *not* commercial announcements:

(i) Promotional announcements, except as defined above;

(ii) Station identification announcements for which no charge is made;

(iii) Mechanical reproduction announcements;

(iv) Public service announcements;

(v) Announcements made pursuant to Sections 73.119(d) or 73.289(d) of the Rules that materials or services have been furnished as an inducement to broadcast a political program or a program involving the discussion of controversial public issues;

(vi) Announcements made pursuant to the local notice requirements of Sections 1.580 (pre-grant) and 1.594 (designation for hearing) of the Rules.

13. ***A public service announcement*** (PSA) is any announcement (including network) for which no charge is made and which promotes programs, activities, or services of federal, state or local governments (e.g., recruiting, sales of bonds, etc.) or the programs, activities or services of non-profit organizations (e.g., UGF, Red Cross blood donations, etc.), and other announcements regarded as serving community interests, excluding time signals, routine weather announcements and promotional announcements.

14. ***A program*** is an identifiable unit of program material, logged as such, which is not an announcement as defined above (e.g., if, within a 30-minute entertainment program, a station broadcasts a one-minute news and weather report, this news and weather report may be separately logged and classified as a one-minute news program and the entertainment portion as a 29-minute program).

15. ***Composite Week*** - Seven days designated annually by the Commission in a Public Notice and consisting of seven different days of the week.

16. ***Typical Week*** - A week which an applicant projects as typical of his proposed weekly operation.

FCC Form 303	FEDERAL COMMUNICATIONS COMMISSION	Section IV-A
STATEMENT OF AM OR FM PROGRAM SERVICE	Name of Applicant	
Call letters of station	City and state which station is licensed to serve	

PART I

Ascertainment of Community Needs

1. A. State in Exhibit No.____ the methods used by the applicant to ascertain the needs and interests of the public served by the station. Such information shall include (1) identification of representative groups, interests and organizations which were consulted and (2) the major communities or areas which applicant principally undertakes to serve.

   B. Describe in Exhibit No.____ the significant needs and interests of the public which the applicant believes his station will serve during the coming license period, including those with respect to national and international matters.

   C. List in Exhibit No.____ typical and illustrative programs or program series (excluding Entertainment and News) that applicant plans to broadcast during the coming license period to meet those needs and interests.

NOTE: Sufficient records shall be kept on file at the station, open for inspection by the Commission, for a period of 3 years from the date of filing of this statement (unless requested to be kept longer by the Commission) to support the representations required in answer to Question 1. These records should *not* be submitted with this application and need not be available for public inspection.

PART II

Past Programming

2. A. State the total hours of operation during the composite week: _____

   B. Attach as Exhibit No. ____ one exact copy of the program logs for the composite week used as a basis for responding to questions herein. Applicants utilizing automatic program logging devices must comply with the provisions of Sections 73.112(c) and 73.282(c). Automatic recordings will be returned to the applicant. Exact copies of program logs will not be returned.

   If applicant has not operated during all of the days of the composite week which would be applicable to the use of this form, applicant should so notify the Commission and request the designation of substitute day or days as required.

3. A. State the amount of time (rounded to the nearest minute) the applicant devoted in the composite week to the program types (see Definitions) listed below. Commercial matter within a program segment shall be excluded in computing time devoted to that particular program segment (e.g., a 15-minute news program containing 3 minutes' commercial matter shall be counted as a 12-minute news program).

	Hours	Minutes	% of Total Time on Air
(1) News	.....	.....	..... %
(2) Public Affairs	.....	.....	..... %
(3) All other programs, exclusive of Entertainment and Sports	.....	.....	..... %

   B. If in the applicant's judgment the composite week does not adequately represent the station's past programming, applicant may in addition provide in Exhibit No.____ the same information as required in 3-A above (using the same format) for a calendar month or longer during the year preceding the filing of this application. Applicant shall identify the time period used. Applicant need not file the program logs used in responding to this question unless requested by the Commission.

4. List in Exhibit No.____ typical and illustrative programs or program series (excluding Entertainment and News) broadcast during the year preceding the filing of this application which have served public needs and interests in applicant's judgment. Denote, by underlining the Title, those programs, if any, designed to inform the public on local, national or international problems of greatest public importance in the community served by the applicant. Use the format below.

Title	Source*	Type*	Brief Description	Time Broadcast & Duration	How Often Broadcast

5. Submit in Exhibit No.____ the following information concerning the applicant's news programs:

   A. The staff, news gathering facilities, news services and other sources utilized; and

   B. An estimate of the percentage of news program time devoted to local and regional news during the composite week.

6. In connection with the applicant's public affairs programming, describe its policy during the past renewal period with respect to making time available for the discussion of public issues and the method of selecting subjects and participants.

*See Definitions

7. Describe briefly the applicant's program format(s) during the past 12 months (e.g., country and western music, talk, folk music, classical music, foreign language, jazz, standard pops, etc.) and the approximate percentage of time per week devoted to such format(s).

8. State how and to what extent (if any) applicant's station contributed during the past license period to the over-all diversity of program services available in the area or communities served.

9. Was the applicant affiliated with one or more national, regional or special radio networks during the past license period?
Yes_____ No_____. If "yes," give name(s) of network(s): _____

10. State the numberof public service announcements broadcast by the applicant during the composite week: _____

11. A. If this application is for an FM station, did the programming duplicate that of any AM station?
Yes_____ No_____. ("Duplicate" means simultaneous broadcasting of a particular program over both the AM and FM stations or the broadcast of a particular FM program within 24 hours before or after the identical program is broadcast over the AM station—Section 73.242(a) of the Rules and Regulations.)

B. If the answer is "yes," identify the AM station by call letters; describe its relation to the FM station; and state the number of hours each day in the composite week that were duplicated.

12. A. In applicant's judgment, does the information supplied in this Part II adequately reflect its past programming?
Yes _____ No _____.

B. If "no," applicant may attach as Exhibit No._____ such additional information as may be necessary to describe accurately and present fairly its program service.

C. If applicant's programming practices for the period covered by this statement varied substantially from the programming representations made in applicant's last renewal application, the applicant shall submit as Exhibit No._____ a statement explaining the variations and the reasons therefor.

PART III

Proposed Programming

13. State the proposed total hours of operation during a typical week:_____

14. State the minimum amount of time the applicant proposes to devote normally each week to the program types (see Definitions) listed below. Commercial matter within a program segment shall be excluded in computing time devoted to that particular program segment (e.g., a fifteen-minute news program containing 3 minutes' commercial matter shall be computed as a 12-minute news program.)

	Hours	Minutes	% of Total Time on Air
(1) News	.....	.....	..... %
(2) Public Affairs	.....	.....	..... %
(3) All other programs, exclusive of Entertainment and Sports	.....	.....	% ..... %

15. Submit in Exhibit No._____ the following information concerning the applicant's proposed news programs:

A. The staff, news gathering facilities, news services and other sources to be utilized; and

B. An estimate of the percentage of news program time to be devoted to local and regional news during a typical week.

16. In connection with the applicant's proposed public affairs programming describe its policy with respect to making time available for the discussion of public issues and the method of selecting subjects and participants.

17. Describe the applicant's proposed programming format(s), e.g., country and western music, talk, folk music, classical music, foreign language, jazz, standard pops, etc., and the approximate percentage of time per week to be devoted to such format(s).

18. State how and to what extent (if any) applicant proposes to contribute to the over-all diversity of program services available in the area or communities to be served.

19. State the minimum number of public service announcements applicant proposes to present during a typical week: _____

20. Will the applicant be affiliated with one or more national, regional, or special radio networks? Yes_____ No_____.
If "yes," give name(s) of networks(s): _____
_____

21. A. If this application is for an FM station will the programming duplicate that of any AM station? Yes_____ No_____.
("Duplicate" means simultaneous broadcasting of a particular program over both AM and FM stations or the broadcast of a particular FM program within 24 hours before or after the identical program is broadcast over the AM station—Section 73.242(a) of the Rules and Regulations.)

B. If the answer is "yes," identify the AM station by call letters; describe its relation to the FM station; and state the number of hours each day proposed to be duplicated.

PART IV

Past Commercial Practices

22. Give the following information with respect to the composite week:

	All Hours	6 A.M. - 6 P.M.
A. Total broadcast time	.....	.....
B. Time devoted to commercial matter:		
(1) Amount in hours and minutes	.....	.....
(2) Percentage	..... %	..... %

23. State the number of 60-minute segments of the composite week (beginning with the first full clock hour and ending with the last clock hour of each broadcast day) containing the following amounts of commercial matter:

A. Up to and including 10 minutes ....

B. Over 10 and up to and including 14 minutes ....

C. Over 14 and up to and including 18 minutes ....

D. Over 18 minutes ....

List each segment in category (D) above, specifying the amount of commercial time in the segment, and the day and time broadcast.

24. A. In the applicant's judgment, does the information supplied in this Part IV for the composite week adequately reflect its commercial practices? Yes_____ No_____ .

B. If "no," applicant may attach as Exhibit No._____ such additional material as may be necessary to describe adequately and present fairly its commercial practices.

C. If applicant's commercial practices for the period covered by this statement varied substantially from the commercial representations made in applicant's last renewal application, the applicant shall submit as Exhibit No._____ a statement explaining the variations and the reasons therefor.

PART V

Proposed Commercial Practices

25. State the maximum percentage of commercial matter which the applicant proposes normally to allow during the following segments of a typical week:

6 a.m. - 6 p.m. ..... _____%

All hours ..... _____%

If applicant proposes to permit this level to be exceeded at times, state under what circumstances and how often this is expected to occur, and the limits that would then apply.

26. What is the maximum amount of commercial matter in any 60-minute segment which the applicant proposes normally to allow?

If applicant proposes to permit this amount to be exceeded at times, state under what circumstances and how often this is expected to occur, and the limits that would then apply.

PART VI

General Station Policies and Procedures

27. State the name(s) and position of the person(s) who determines the day-to-day programming decisions and directs the operation of the station covered by this application and whether he is employed full-time in the operation of the station.

28. A. Does the applicant have established policies with respect to programming and advertising standards (whether developed by the station or contained in a code of broadcasting standards and practices) to guide the operation of the station?

Yes_____ No_____.

B. If "yes," attach as Exhibit No._____ a brief summary of such policies. (If the station relies exclusively upon the published code of any national organization or trade association, a statement to that effect will suffice)

29. State the methods by which applicant undertakes to keep informed of the requirements of the Communications Act and the Commission's Rules and Regulations, and a description of the procedures established to acquaint applicant's employees and agents with such requirements and to ensure their compliance.

30. If, as an integral part of its station identification announcements, applicant makes or proposes to make reference to any business, profession or activity other than broadcasting in which applicant or any affiliate or stockholder is engaged or financially interested, directly or indirectly, set forth typical examples and approximate frequency of their use.

31. State the number of station employees: _____ . If the station has or proposes to have ten or more employees, state in Exhibit No._____ the number of full-time and part-time employees in the programming, sales, technical, and general and administrative departments. Do not list the same employee in more than one category. However, if an employee performs multiple services, this may be so shown by identifying him with his various duties e.g., if two employees are combination announcers and salesmen, the list would include an entry of "two programming-sales".

PART VII

Other Matters and Certification

32. Applicant may submit as Exhibit No._____ any additional information which, in its judgment, is necessary adequately to describe or to present fairly its services and operations in relation to the public interest.

33. The undersigned has familiarized himself with paragraph 9 of the Instructions to Section IV-A concerning signature requirements and in light of its provisions does hereby:

A. Acknowledge that all the statements made in this Section IV-A and the attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as if set out in full in the application form; and

B. Certify that the statements herein are true, complete, and correct to the best of his knowledge and belief and are made in good faith.

SIGNED AND DATED this ..... day of ..... , 19 ..... .

.....
(NAME OF LICENSEE)

By: .....
(SIGNATURE)

.....
(PLEASE PRINT NAME OF PERSON SIGNING)

.....
(TITLE)

WILLFUL FALSE STATEMENTS MADE IN THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT. U. S. CODE, TITLE 18, SECTION 1001.

ATTACHMENT A

Attention is invited to the Commission's "Report and Statement of Policy Re: Commission En Banc Programming Inquiry" released July 29, 1960 - FCC 60-970 (25 Federal Register 7291; 20 Pike and Fischer Radio Regulation 1902).

Pursuant to the Communications Act of 1934, as amended, the Commission cannot grant, renew or modify a broadcast authorization unless it makes an affirmative finding that the operation of the station, as proposed, will serve the public interest, convenience and necessity. Programming is of the essence of broadcasting.

A broadcast station's use of a channel for the period authorized is premised on its serving the public. Thus, the public has a legitimate and continuing interest in the program service offered by the station, and it is the duty of all broadcast permittees and licensees to serve as trustees for the public in the operation of their stations. Broadcast permittees and licensees must make positive, diligent and continuing efforts to provide a program schedule designed to serve the needs and interests of the public in the areas to which they transmit an acceptable signal.

In its above-referenced "Policy Statement," the Commission has indicated the general nature of the inquiry which should be made in the planning and devising of a program schedule:

> "Thus we do not intend to guide the licensee along the path of programming; on the contrary, the licensee must find his own path with the guidance of those whom his signal is to serve. We will thus steer clear of the bans of censorship without disregarding the public's vital interest. What we propose will not be served by pre-planned program format submissions accompanied by complimentary references from local citizens. What we propose is documented program submissions prepared as the result of assiduous planning and consultation covering two main areas: first, a canvass of the listening public who will receive the signal and who constitute a definite public interest figure; second, consultation with leaders in community life--public officials, educators, religious (groups), the entertainment media - agriculture, business, labor, professional and eleemosynary organizations, and others who bespeak the interests which make up the community."

Over the years, experience has shown both broadcasters and the Commission that certain recognized elements of broadcast service have frequently been found necessary or desirable to serve the broadcast needs and interests of many communities. In the Policy Statement, referred to above, the Commission set out fourteen such elements. The Commission stated:

> "The major elements usually necessary to meet the public interest, needs and desires of the community in which the station is located as developed by the industry, and recognized by the Commission, have included: (1) Opportunity for Local Self-Expression, (2) The Development and Use of Local Talent (3) Programs for Children, (4) Religious Programs, (5) Educational Programs, (6) Public Affairs Programs, (7) Editorialization by licensees, (8) Political Broadcasts, (9) Agricultural Programs, (10) News Programs, (11) Weather and Market Reports, (12) Sports Programs, (13) Service to Minority Groups, (14) Entertainment Programming."

It is emphasized that broadcasters, mindful of the public interest, must assume and discharge responsibility for planning, selecting and supervising all matter broadcast by their stations, whether such matter is produced by them or provided by networks or others. This duty was made clear in the Commission's Policy Statement, page 14, paragraph 3:

> "Broadcasting licensee must assume responsibility for all material which is broadcast through their facilities. This includes all programs and advertising material which they present to the public. With respect to advertising material the licensee has the additional responsibility to take all reasonable measures to eliminate any false, misleading, or deceptive matter and to avoid abuses with respect to the total amount of time devoted to advertising continuity as well as the frequency with which regular programs are interrupted for advertising messages. This duty is personal to the licensee and may not be delegated. He is obligated to bring his positive responsibility affirmatively to bear upon all who have a hand in providing broadcast matter for transmission through his facilities so as to assure the discharge of his duty to provide (an) acceptable program schedule consonant with operating in the public interest in his community. The broadcaster is obligated to make a positive, diligent and continuing effort, in good faith, to determine the tastes, needs and desires of the public in his community and to provide programming to meet those needs and interests. This, again, is a duty personal to the licensee and may not be avoided by delegation of the responsibility to others."

ATTACHMENT B

Attention is invited to the Commission's Public Notice entitled "Ascertainment of Community Needs By Broadcast Applicants," released August 22, 1968 - FCC 68-847 (33 Federal Register 12113).

The Commission issues this Public Notice to provide broadcast applicants with a better understanding of the showing called for in response to Part 1, Sections IV-A and IV-B, the programming sections of application forms. Deficient showings delay definitive action on applications and impose a costly workload burden on the Commission.

In a recent case, *Minshall Broadcasting Company, Inc.* (petition to enlarge issues) 11 FCC 2d 796 (1968), the Commission reiterated the four elements of the showing to be made in response to Part 1:

(a) Full information on the steps the applicant has taken to become informed of the real community needs and interests of the area to be served.

(b) Suggestions which the applicant has received as to how the station could help meet the area's needs.

(c) The applicant's evaluation of those suggestions.

(d) The programming service which the applicant proposes in order to meet those needs as they have been evaluated.

In another recent case, *Andy Valley Broadcasting System, Inc.* (petition to deny) FCC 68-290 (1968), the Commission held that a survey of community needs is mandatory and that "applicants, despite long residence in the area, may no longer be considered, *ipso facto*, familiar with the programming needs and interests of the community."

Before detailing the information needed in the four elements set forth above, it is appropriate to state our belief that if the processes of Part 1 are carried out in good faith, the programming service will be rooted in the people whom the station is obligated to serve and who will be in a much better position to see that the obligation to them is fulfilled, thus lessening the enforcement burden of the Commission.

Part I, Question 1.A., requires consultation with leaders in community life—public officials, educators, religious, the entertainment media, agriculture, business, labor, professional and eleemosynary organizations, and others who bespeak the interests which make up the community. *Report and Statement of Policy Re: Commission En Banc Program Inquiry, 20 RR 1902.*

Consultations with community leaders: Such consultations are to help determine the needs of the community from the standpoint of the group represented by the leader being consulted; should include a representative range of groups and leaders to give the applicant a better basis for determining the total needs of the community; and should identify them by name, position and organization. The purpose of such consultations should be to elicit constructive information concerning community needs, and not mere approval of existing or pre-planned programming.

Suggestions received: The second of the above four elements is largely self-explanatory, but, importantly, the listing should include the significant suggestions as to community needs received through the consultations with community leaders, whether or not the applicant proposes to treat them through its programming service.

Applicant's evaluation: What is expected of the applicant is that he will evaluate the relative importance of those suggestions and consider them in formulating the station's over-all program service.

Programming service proposed to meet the needs as evaluated: The fourth element set out in *Minshall* should be set out in response to Question 1.C., and calls for *relating* the program service to the needs of the community as evaluated, i.e., *what* programming service is proposed to meet *what* needs.

The foregoing information is also expected of all applicants for increased facilities serving a substantial amount of new area or population. *KTBS, Inc.*, 1 RR 2d 1054 (1964).

Section 1.526 of the Commission Rules requires licensees of broadcast stations to keep on file locally for public inspection a copy of its applications (which include Sections IV-A and IV-B) as well as exhibits, letters, other documents, and correspondence with the Commission pertaining to the application.

Instructions, General Information and Definitions for TV Broadcast Applications

1. ***Applicants for renewal of license*** shall answer all questions in this Section IV-B as part of their renewal application. In answering questions on proposed operation where no substantial change from past operation is proposed, applicant may so state.

2. ***Applicants for new stations and assignees and transferees of control*** shall file this Section IV-B with respect to Ascertainment of Community Needs (Part I), Proposed Programming (Part III), Proposed Commercial Practices (Part V), General Station Policies and Practices (Part VI) and Other Matters and Certification (Part VII).

3. ***Assignors and transferors of control*** shall file information on Past Programming (Part II), Past Commercial Practices (Part IV) and Other Matters and Certification (Part VII). Questions on past programming shall be answered on the basis of the most recent composite week. Assignors and transferors who have filed an application for renewal of license within eighteen months prior to filing an application for assignment or transfer need not answer any portion of Section IV but must refer to the pertinent filing and identify it.

4. ***Applicants for major changes in facilities*** (as defined in Sections 1.571(a)(1) and 1.573(a)(1) of the Commission's Rules) need not file this Section IV-B unless a substantial change in programming is proposed or unless the information is requested by the Commission.

5. A. Where any of the information required is already on file with the Commission, such information need not be resubmitted, ***provided*** that the previous application or filing containing the information is specifically referred to and identified and the applicant states that there has been no change since the information was filed.

   B. The replies to the following questions constitute representations on which the Commission will rely in considering this application. Thus time and care should be devoted to the replies so that they will reflect accurately applicant's responsible consideration of the questions asked. It is not, however, expected that the licensee will or can adhere inflexibly in day-to-day operation to the representations made herein.

   C. Replies relating to future operation constitute representations against which the subsequent operation of the station will be measured. Accordingly, if during the license period the station substantially alters its programming format or commercial practices, the licensee should notify the Commission of such changes; otherwise it is presumed the station is being operated substantially as last proposed.

6. The applicant's attention is called to the Commission's "Report and Statement of Policy re: Commission En Banc Programming Inquiry." (25 Federal Register 7291; 20 Pike and Fischer Radio Regulations 1902; FCC 60-970), copies of which are available upon request to the Commission; and also to the material contained in Attachments A and B to this Section.

7. A legible copy of this Section IV-B and the exhibits submitted therewith shall be kept on file available for public inspection at any time during regular business hours. It shall be maintained at the main studio of the station or any other accessible place (such as a public registry for documents or an attorney's office) in the community to which the station is or is proposed to be licensed.

8. ***Network Programs.*** Where information for the composite week is called for herein with respect to commercial matter or program type classifications in connection with network programs the applicant may rely on information furnished by the network.

9. ***Signature.***

   This Section IV-B shall be signed in the space provided at the end hereof. It shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer of applicant, if a corporation or association. ***SIGNING OF THIS SECTION IS A REPRESENTATION THAT THE PERSON IS FAMILIAR WITH THE CONTENTS OF THIS SECTION AND ASSOCIATED EXHIBITS, AND SUPPORTS AND APPROVES THE REPRESENTATIONS THEREIN ON BEHALF OF THE APPLICANT.***

Definitions

The definitions set out below are to be followed in furnishing the information called for by the questions of this Section IV-B. The inclusion of various types and sources of programs in the paragraphs which follow is not intended to establish a formula for station operation, but is a method for analyzing and reporting station operation.

10. ***Sources*** of programs are defined as follows:

   (a) ***A local program*** (L) is any program originated or produced by the station, or for the production of which the station is substantially responsible, and employing live talent more than 50% of the time. Such a program, taped, recorded, or filmed for later broadcast shall be classified by the station as local. A local program fed to a network shall be classified by the originating station as local. All non-network news programs may be classified as local. Programs primarily featuring syndicated or feature films, or other non-locally recorded programs shall be classified as "Recorded" (REC) even though a station personality appears in connection with such material. However, identifiable units of such programs which are live and separately logged as such may be classified as local (e.g., if during the course of a feature film program a non-network 2-minute news report is given and logged as a news program, the report may be classified as local).

   (b) ***A network program*** (NET) is any program furnished to the station by a network (national, regional or special). Delayed broadcasts of programs originated by networks are classified as network.

   (c) ***A recorded program*** (REC) is any program not defined in (a) and (b) above, including without limitation, syndicated programs, taped or transcribed programs, and feature films.

11. ***Types*** of programs are defined as follows:

   If a program contains two or more identifiable units of program material which constitute different program types as herein defined, each such unit may be separately logged and classified.

   The definitions of the first eight types of programs, (a) through (h) are not intended to overlap each other, and these types will normally include all the programs broadcast. The programs classified under (i) through (k) will have been classified under the first eight and there may be further duplication among types (i) through (k).

   (a) ***Agricultural programs*** (A) include market reports, farming or other information specifically addressed, or primarily of interest, to the agricultural population.

Definitions - Cont.

(b) ***Entertainment programs*** (E) include all programs intended primarily as entertainment, such as music, drama, variety, comedy, quiz, etc.

(c) ***News programs*** (N) include reports dealing with current local, national, and international events, including weather and stock market reports; and when an integral part of a news program, commentary, analysis and sports news.

(d) ***Public Affairs programs*** (PA) include talks, commentaries, discussions, speeches, editorials, political programs, documentaries, forums, panels, round tables, and similar programs primarily concerning local, national, and international public affairs.

(e) ***Religious programs*** (R) include sermons or devotionals; religious news; and music, drama, and other types of programs designed primarily for religious purposes.

(f) ***Instructional programs*** (I) include programs, other than those classified under Agricultural, News, Public Affairs, Religious or Sports, involving the discussion of, or primarily designed to further an appreciation or understanding of, literature, music, fine arts, history, geography, and the natural and social sciences; and programs devoted to occupational and vocational instruction, instruction with respect to hobbies, and similar programs intended primarily to instruct.

(g) ***Sports programs*** (S) include play-by-play and pre- or post-game related activities and separate programs of sports instruction, news, or information (e.g., fishing opportunities, golfing instruction, etc.).

(h) ***Other programs*** (O) include all programs not falling within definitions (a) through (g).

* * * * * * * *

(i) ***Editorials*** (EDIT) include programs presented for the purpose of stating opinions of the licensee.

(j) ***Political programs*** (POL) include programs which present candidates for public office or which give expression (other than in station editorials) to views on such candidates or on issues subject to public ballot.

(k) ***Educational institution programs*** (ED) include any program prepared by, in behalf of, or in cooperation with, educational institutions, educational organizations, libraries, museums, PTA's or similar organizations. Sports programs shall not be included.

12. ***Commercial matter*** (CM) includes commercial continuity (network and non-network) and commercial announcements (network and non-network) as follows:

(a) ***Commercial continuity*** is the advertising message of a program sponsor.

(b) ***A commercial announcement*** is any other advertising message for which a charge is made, or other consideration is received.

(1) Included are (i) "bonus" spots, (ii) trade-out spots, and (iii) promotional announcement of a future program where consideration is received for such an announcement or where such announcement identifies the sponsor of the future program beyond mention of the sponsor's name as an integral part of the title of the program. (e.g., where the agreement for the sale of time provides that the sponsor will receive promotional announcements, or when the promotional announcement contains a statement such as "TOMORROW SEE - - [NAME OF PROGRAM] - - BROUGHT TO YOU BY - - [SPONSOR'S NAME]")

(2) Other announcements including but not limited to the following are *not* commercial announcements:

(i) Promotional announcements, except as defined above;

(ii) Station identification announcements for which no charge is made;

(iii) Mechanical reproduction announcements;

(iv) Public service announcements;

(v) Announcements made pursuant to Section 73.654(d) of the Rules that materials or services have been furnished as an inducement to broadcast a political program or a program involving the discussion of controversial public issues;

(vi) Announcements made pursuant to the local notice requirements of Sections 1.580 (pre-grant) and 1.594 (designation for hearing) of the Rules.

13. ***A public service announcement*** (PSA) is any announcement (including network) for which no charge is made and which promotes programs, activities, or services of federal, state, or local governments (e.g., recruiting, sales of bonds, etc.) or the programs, activities or services of non-profit organizations (e.g., UGF, Red Cross blood donations, etc.), and other announcements regarded as serving community interests, excluding time signals, routine weather announcements and promotional announcements.

14. ***A program*** is an identifiable unit of program material, logged as such, which is not an announcement as defined above (e.g., if, within a 30-minute Entertainment program, a station broadcasts a one-minute news and weather report, this news and weather report may be separately logged and classified as a one-minute news program and the entertainment portion as a 29-minute program).

15. ***Composite Week*** - Seven days designated annually by the Commission in a Public Notice and consisting of seven different days of the week.

16. ***Typical Week*** - A week which an applicant projects as typical of his proposed weekly operation.

FEDERAL COMMUNICATIONS COMMISSION	Section IV-B
STATEMENT OF TELEVISION PROGRAM SERVICE	Name of Applicant
Call letters of station	City and state which station is licensed to serve

PART I

Ascertainment of Community Needs

1. A. State in Exhibit No.____the methods used by the applicant to ascertain the needs and interests of the public served by the station. Such information shall include (1) the major communities or areas which applicant principally undertakes to serve and (2) identification of representative groups, interests and organizations which were consulted.

   B. Describe in Exhibit No.____the significant needs and interests of the public which the applicant believes his station will serve during the coming license period, including those with respect to national and international matters.

   C. List in Exhibit No.____typical and illustrative programs or program series (excluding Entertainment and News) that applicant plans to broadcast during the coming license period to meet those needs and interests.

   D. Describe in Exhibit No.____the procedures applicant has or proposes to have for the consideration and disposition of complaints or suggestions coming from the public.

NOTE: Sufficient records shall be kept on file at the station, open for inspection by the Commission, for a period of 3 years from the date of filing of this statement (unless requested to be kept longer by the Commission) to support the representations required in answer to Question 1. A, B, and C. These records should not be submitted with this application and need not be available for public inspection.

PART II

Past Programming

2. A. State the total hours of operation during the composite week: _____

   B. Attach as Exhibit No.____one exact copy of the program logs for the composite week used as a basis for responding to questions herein. Applicants utilizing automatic program logging devices must comply with the provisions of Section 73.670(c). Automatic recordings will be returned to the applicant. Exact copies of program logs will not be returned.

   If applicant has not operated during all of the days of the composite week which would be applicable to the use of this form, applicant should so notify the Commission and request the designation of substitute day or days as required.

3. A. State the amount of time (rounded to the nearest minute) the applicant devoted in the composite week to the program types (see Definitions) listed below. Commercial matter within a program segment shall be excluded in computing time devoted to that particular program segment (e.g., a 15-minute news program containing 3 minutes' commercial matter shall be counted as a 12-minute news program).

	Hours	Minutes	% of Total Time on Air
(1) News	.....	.....	..... %
*(2) Public Affairs	.....	.....	..... %
*(3) All other programs, exclusive of Entertainment and Sports	.....	.....	..... %

   * Attach as Exhibit No.____ a brief description of each program included in these categories.

   B. If in the applicant's judgment the composite week does not adequately represent the station's past programming, applicant may in addition provide in Exhibit No.____the same information as required in 3-A above (using the same format) for a representative period during the year preceding the filing of this application. Applicant shall identify the time period used. Applicant need not file the program logs used in responding to this question unless requested by the Commission.

4. List in Exhibit No.____typical and illustrative programs or program series (excluding Entertainment and News) broadcast during the year preceding the filing of this application which have served public needs and interests in applicant's judgment. Denote, by underlining the Title, those programs, if any, designed to inform the public on local, national or international problems of greatest public importance in the community served by the applicant. Use the format below. (***NOTE:*** If applicant's response includes any program described in Question 3, give title of program and refer to that Question without further detail.)

   A. Title:
   B. Source*:
   C. Type*:
   D. Brief description:
   E. Time broadcast & duration:
   F. Number of times broadcast:
   G. Extent, if any, to which community leaders or groups involved:

5. State below the amount of time (in hours and minutes) by source* for programs in the composite week. (The response shall be in terms of total program time, including commercial matter.)

	Local	Network	Recorded
8 a.m. - 6 p.m.	.....	.....	.....
6 p.m. - 11 p.m.	.....	.....	.....
All other hours	.....	.....	.....

*See Definitions

6. Submit in Exhibit No. _____ the following information concerning the applicant's news programs:

   A. The staff, news gathering facilities, news services and other sources utilized; and
   B. An estimate of the percentage of news program time devoted to local and regional news during the composite week.

7. In connection with the applicant's public affairs programming, describe its policy during the past renewal period with respect to making time available for the discussion of public issues and the method of selecting subjects and participants.

8. Was the applicant affiliated with one or more national television networks during the past license period?

   Yes _____ No _____

   If so, give name(s) of Network(s): .....

   If applicant had more than one such affiliation, which network was the principal source of network programs?

   .....

9. State the number of public service announcements broadcast by the applicant during the composite week: .....

10. A. In applicant's judgment, does the information supplied in this Part II adequately reflect its past programming?

    Yes _____ No _____.

    B. If "no," applicant may attach as Exhibit No. _____ such additional information as may be necessary to describe accurately and present fairly its program service.

    C. If applicant's programming practices for the period covered by this statement varied substantially from the programming representations made in applicant's last renewal application, the applicant shall submit as Exhibit No. _____ a statement explaining the variations and the reasons therefor.

PART III

Proposed Programming

11. State the proposed total hours of operation during a typical week: _____

12. State the minimum amount of time the applicant proposes to devote normally each week to the program types (see Definitions) listed below. Commercial matter within a program segment shall be excluded in computing time devoted to that particular program segment (e.g., a fifteen-minute news program containing 3 minutes' commercial matter shall be computed as a 12-minute news program.)

	Hours	Minutes	% of Total Time on Air
(A) News	.....	.....	..... %
(B) Public Affairs	.....	.....	..... %
(C) All other programs, exclusive of Entertainment and Sports	.....	.....	..... %

13. State below the amount of time (in hours and minutes) proposed to be devoted to programs in a typical week by source*. (The response shall be in terms of total program time, including commercial matter.)

	Local	Network	Recorded
8 a.m. - 6 p.m.	.....	.....	.....
6 p.m. - 11 p.m.	.....	.....	.....
All other hours	.....	.....	.....

14. Submit in Exhibit No. _____ the following information concerning the applicant's proposed news programs:

    A. The staff, news gathering facilities, news services and other sources to be utilized; and

    B. An estimate of the percentage of news program time to be devoted to local and regional news during a typical week.

*See Definitions

15. In connection with the applicant's proposed public affairs programming, describe its policy with respect to making time available for the discussion of public issues and the method of selecting subjects and participants.

16. State the minimum number of public service announcements applicant proposes to present during a typical week: _____

17. Will the applicant be affiliated with one or more national television networks during the coming license period?
Yes_____ No_____. If so, give name(s) of network(s): _____

If more than one such affiliation is expected, which, if any, does applicant now expect to be the principal source of network programs? _____

PART IV

Past Commercial Practices

18. State the number of 60-minute segments of the composite week (beginning with the first full clock hour and ending with the last full clock hour of each broadcast day) containing the following amounts of commercial matter:

A. Up to and including 8 minutes ..... _____
B. Over 8 and up to and including 12 minutes ..... _____
C. Over 12 and up to and including 16 minutes ..... _____
D. Over 16 minutes ..... _____

List each segment in category (D) above, specifying the amount of commercial time in the segment, and the day and time broadcast:

19. A. In the applicant's judgment, does the information supplied in this Part IV for the composite week adequately reflect its commercial practices? Yes_____ No_____.

B. If "no," applicant may attach as Exhibit No._____ such additional material as may be necessary to describe adequately and present fairly its commercial practices.

C. If applicant's commercial practices for the period covered by this statement varied substantially from the commercial representations made in applicant's last renewal application, the applicant shall explain the variations and the reasons therefor:

PART V

Proposed Commercial Practices

20. What is the maximum amount of commercial matter in any 60-minute segment which the applicant proposes normally to allow? _____

If applicant proposes to permit this amount to be exceeded at times, state under what circumstances and how often this is expected to occur, and the limits that would then apply.

PART VI

General Station Policies and Procedures

21. State the name(s) and position of the person(s) who determines the day-to-day programming, makes decisions, and directs the operation of the station covered by this application and whether he is employed full-time in the operation of the station.

22. A. Does the applicant have established policies with respect to programming and advertising standards (whether developed by the station or contained in a code of broadcasting standards and practices) to guide the operation of the station?

Yes_____ No_____.

B. If "yes," attach as Exhibit No._____ a brief summary of such policies. (If the station relies exclusively upon the published code of any national organization or trade association, a statement to that effect will suffice)

23. State the methods by which applicant undertakes to keep informed of the requirements of the Communications Act and the Commission's Rules and Regulations, and a description of the procedures established to acquaint applicant's employees and agents with such requirements and to ensure their compliance.

24. If, as an integral part of its station identification announcements, applicant makes or proposes to make reference to any business, profession or activity other than broadcasting in which applicant or any affiliate or stockholder is engaged or financially interested, directly or indirectly, set forth typical examples and approximate frequency of their use.

25. A. State the total number of station employees:_____ .

B. Describe in Exhibit No._____ the applicant's plans for staffing the station including the number of employees in the programming, sales, technical, and general administrative departments. Do not list the same employee in more than one category. However, if an employee performs multiple services, this may be so shown by identifying him with his various duties (e.g., if two employees are combination announcers and salesmen, the list would include an entry of "two programming-sales".

26. State whether the applicant:

A. Has a policy of broadcasting programs to meet public needs whether or not commercial sponsorship is available or appropriate. Yes_____ No_____

If "yes", in Exhibit No._____ give examples to illustrate application of station's policy during the 12 months preceding the filing of this application.

B. Has a policy of preempting time to present special programs. Yes_____ No_____

If "yes", in Exhibit No._____ give examples to illustrate application of station's policy during the 12 months preceding the filing of this application.

PART VII

Other Matters and Certification

27. Applicant may submit as Exhibit No._____ any additional information which, in its judgment, is necessary adequately to describe or to present fairly its services and operations in relation to the public interest.

28. The undersigned has familiarized himself with paragraph 9 of the Instructions to Section IV-B concerning signature requirements and in light of its provisions does hereby:

A. Acknowledge that all the statements made in this Section IV-B and the attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as if set out in full in the application form; and

B. Certify that the statements herein are true, complete, and correct to the best of his knowledge and belief and are made in good faith.

SIGNED AND DATED this ..... day of ..... , 19 ..... .

.....
(NAME OF LICENSEE)

By: .....
(SIGNATURE)

.....
(PLEASE PRINT NAME OF PERSON SIGNING)

.....
(TITLE)

WILLFUL FALSE STATEMENTS MADE IN THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT. U. S. CODE, TITLE 18, SECTION 1001.

ATTACHMENT A

Attention is invited to the Commission's "Report and Statement of Policy Re: Commission En Banc Programming Inquiry" released July 29, 1960 - FCC 60-970 (25 Federal Register 7291; 20 Pike and Fischer Radio Regulation 1902).

Pursuant to the Communications Act of 1934, as amended, the Commission cannot grant, renew or modify a broadcast authorization unless it makes an affirmative finding that the operation of the station, as proposed, will serve the public interest, convenience and necessity. Programming is of the essence of broadcasting.

A broadcast station's use of a channel for the period authorized is premised on its serving the public. Thus, the public has a legitimate and continuing interest in the program service offered by the station, and it is the duty of all broadcast permittees and licensees to serve as trustees for the public in the operation of their stations. Broadcast permittees and licensees must make positive, diligent and continuing efforts to provide a program schedule designed to serve the needs and interests of the public in the areas to which they transmit an acceptable signal.

In its above-referenced "Policy Statement," the Commission has indicated the general nature of the inquiry which should be made in the planning and devising of a program schedule:

> "Thus we do not intend to guide the licensee along the path of programming; on the contrary, the licensee must find his own path with the guidance of those whom his signal is to serve. We will thus steer clear of the bans of censorship without disregarding the public's vital interest. What we propose will not be served by pre-planned program format submissions accompanied by complimentary references from local citizens. What we propose is documented program submissions prepared as the result of assiduous planning and consultation covering two main areas: first, a canvass of the listening public who will receive the signal and who constitute a definite public interest figure; second, consultation with leaders in community life—public officials, educators, religious (groups), the entertainment media - agriculture, business, labor, professional and eleemosynary organizations, and others who bespeak the interests which make up the community."

Over the years, experience has shown both broadcasters and the Commission that certain recognized elements of broadcast service have frequently been found necessary or desirable to serve the broadcast needs and interests of many communities. In the Policy Statement, referred to above, the Commission set out fourteen such elements. The Commission stated:

> "The major elements usually necessary to meet the public interest, needs and desires of the community in which the station is located as developed by the industry, and recognized by the Commission, have included: (1) Opportunity for Local Self-Expression, (2) The Development and Use of Local Talent (3) Programs for Children, (4) Religious Programs, (5) Educational Programs, (6) Public Affairs Programs, (7) Editorialization by licensees (8) Political Broadcasts, (9) Agricultural Programs, (10) News Programs, (11) Weather and Market Reports, (12) Sports Programs, (13) Service to Minority Groups, (14) Entertainment Programming."

It is emphasized that broadcasters, mindful of the public interest, must assume and discharge responsibility for planning, selecting and supervising all matter broadcast by their stations, whether such matter is produced by them or provided by networks or others. This duty was made clear in the Commission's Policy Statement, page 14, paragraph 3:

> "Broadcasting licensees must assume responsibility for all material which is broadcast through their facilities. This includes all programs and advertising material which they present to the public. With respect to advertising material the licensee has the additional responsibility to take all reasonable measures to eliminate any false, misleading, or deceptive matter and to avoid abuses with respect to the total amount of time devoted to advertising continuity as well as the frequency with which regular programs are interrupted for advertising messages. This duty is personal to the licensee and may not be delegated. He is obligated to bring his positive responsibility affirmatively to bear upon all who have a hand in providing broadcast matter for transmission through his facilities so as to assure the discharge of his duty to provide (an) acceptable program schedule consonant with operating in the public interest in his community. The broadcaster is obligated to make a positive, diligent and continuing effort, in good faith, to determine the tastes, needs and desires of the public in his community and to provide programming to meet those needs and interests. This, again, is a duty personal to the licensee and may not be avoided by delegation of the responsibility to others."

ATTACHMENT B

Attention is invited to the Commission's Public Notice entitled "Ascertainment of Community Needs By Broadcast Applicants," released August 22, 1968 - FCC 68-847 (33 Federal Register 12113).

The Commission issues this Public Notice to provide broadcast applicants with a better understanding of the showing called for in response to Part 1, Sections IV-A and IV-B, the programming sections of application forms. Deficient showings delay definitive action on applications and impose a costly workload burden on the Commission.

In a recent case, *Minshall Broadcasting Company, Inc.* (petition to enlarge issues) 11 FCC 2d 796 (1968), the Commission reiterated the four elements of the showing to be made in response to Part 1:

(a) Full information on the steps the applicant has taken to become informed of the real community needs and interests of the area to be served.

(b) Suggestions which the applicant has received as to how the station could help meet the area's needs.

(c) The applicant's evaluation of those suggestions.

(d) The programming service which the applicant proposes in order to meet those needs as they have been evaluated.

In another recent case, *Andy Valley Broadcasting System, Inc.* (petition to deny) FCC 68-290 (1968), the Commission held that a survey of community needs is mandatory and that "applicants, despite long residence in the area, may no longer be considered, *ipso facto*, familiar with the programming needs and interests of the community."

Before detailing the information needed in the four elements set forth above, it is appropriate to state our belief that if the processes of Part 1 are carried out in good faith, the programming service will be rooted in the people whom the station is obligated to serve and who will be in a much better position to see that the obligation to them is fulfilled, thus lessening the enforcement burden of the Commission.

Part 1, Question 1.A., requires consultation with leaders in community life—public officials, educators religious, the entertainment media, agriculture, business, labor, professional and eleemosynary organizations, and others who bespeak the interests which make up the community. *Report and Statement of Policy Re: Commission En Banc Program Inquiry, 20 RR 1902.*

Consultations with community leaders: Such consultations are to help determine the needs of the community from the standpoint of the group represented by the leader being consulted; should include a representative range of groups and leaders to give the applicant a better basis for determining the total needs of the community; and should identify them by name, position and organization. The purpose of such consultations should be to elicit constructive information concerning community needs, and not mere approval of existing or pre-planned programming.

Suggestions received: The second of the above four elements is largely self-explanatory, but, importantly, the listing should include the significant suggestions as to community needs received through the consultations with community leaders, whether or not the applicant proposes to treat them through its programming service.

Applicant's evaluation: What is expected of the applicant is that he will evaluate the relative importance of those suggestions and consider them in formulating the station's over-all program service.

Programming service proposed to meet the needs as evaluated: The fourth element set out in *Minshall* should be set out in response to Question 1.C., and calls for *relating* the program service to the needs of the community as evaluated, i.e., *what* programming service is proposed to meet *what* needs.

The foregoing information is also expected of all applicants for increased facilities serving a substantial amount of new area or population. *KTBS, Inc.*, 1 RR 2d 1054 (1964).

Section 1.526 of the Commission Rules requires licensees of broadcast stations to keep on file locally for public inspection a copy of its applications (which include Sections IV-A and IV-B) as well as exhibits, letters, other documents, and correspondence with the Commission pertaining to the application.

*U.S. GOVERNMENT PRINTING OFFICE: 1971-0-448-843

Appendix G

ATTENTION TV, AM AND FM APPLICANTS

EQUAL EMPLOYMENT OPPORTUNITY PROGRAM (SECTION VI) SUPPLEMENT TO:

FCC Form 301

FCC Form 303

FCC Form 309

FCC Form 311

FCC Form 314

FCC Form 315

FCC Form 340

FCC Form 342

NOTE: Effective February 4, 1972, all applicants using the above forms should file the information called for in the revised Section VI. (Section VI revised by Order dated December 17, 1971 to specify "women" in all aspects of employment practice.)

Broadcast Application	FEDERAL COMMUNICATIONS COMMISSION	Section VI (Adopted 12/17/71
EQUAL EMPLOYMENT OPPORTUNITY PROGRAM	Name of Applicant	
Call letters of station	City and state which station is licensed to serve	

Applicants for construction permit for a new facility, for assignment of license or construction permit or for transfer of control (other than *pro forma* or involuntary assignments and transfers), and applicants for renewal of license who have not previously done so, file equal employment opportunity programs or amendments to those programs in the following exhibit. Existing licensees and permittees at the time of the effective date of this form are not required to file an equal employment opportunity program until filing for renewal of license.

PART I

Submit as Exhibit No.____the applicant's equal employment opportunity program for the station, and its network operation if the applicant operates a network, indicating specific practices to be followed in order to assure equal employment opportunity for Negroes, Orientals, American Indians, Spanish Surnamed Americans, and women in each of the following aspects of employment practice: recruitment, selection, training, placement, promotion, pay, working conditions, demotion, layoff, and termination. The program should reasonably address itself to such specific practices as the following, to the extent they are appropriate in terms of station size, location, etc. A program need not be filed if the station has less than five fulltime employees or with respect to any minority group which is represented in the area in such insignificant numbers that a program would not be meaningful. In the latter situation, a statement of explanation should be filed.

1. To assure nondiscrimination in recruiting:

   a. Posting notices in station employment offices informing applicants of their equal employment rights and their right to notify the Federal Communications Commission or other appropriate agency if they believe they have been the victim of discrimination.

   b. Placing a notice in bold type on the employment application informing prospective employees that discrimination because of race, color, religion, national origin, or sex, is prohibited and that they may notify the Federal Communications Commission or other appropriate agency if they believe they have been discriminated against.

   c. Placing employment advertisements in media which have significant circulation among minority-group people or women in the recruiting area.

   d. Recruiting through schools and colleges with significant minority-group or women enrollments.

   e. Maintaining systematic contacts with women's, minority and human relations organizations, leaders and spokesmen to encourage referral of qualified minority and women applicants.

   f. Encouraging present employees to refer women and minority applicants.

   g. Making known to all recruitment sources that qualified women and minority members are being sought for consideration whenever the station hires.

2. To assure nondiscrimination in selection and hiring:

   a. Instructing personally those of your staff who make hiring decisions that women and minority applicants for all jobs are to be considered without discrimination.

   b. Where union agreements exist:

      (1) Cooperating with your unions in the development of programs to assure qualified minority persons of equal opportunity for employment;

      (2) Including an effective nondiscrimination clause in new or re-negotiated union agreements.

   c. Avoiding use of selection techniques or tests which have the effect of discriminating against women and minority groups.

3. To assure nondiscriminatory placement and promotion:

   a. Instructing personally those of the station staff who make decisions on placement and promotion that women and minority employees are to be considered without discrimination, and that job areas in which there is little or no female or minority representation should be reviewed to determine whether this results from discrimination.

   b. Giving women and minority group employees equal opportunity for positions which lead to higher positions. Inquiries as to the interest and skills of all lower paid employees with respect to any of the higher paid positions, followed by

(CONTINUED ON NEXT PAGE)

assistance, counselling, and effective measures to enable employees with interest and potential to qualify themselves for such positions.

c. Reviewing seniority practices and seniority clauses in union contracts to insure that such practices or clauses are nondiscriminatory and do not have a discriminatory effect.

4. To assure nondiscrimination in other areas of employment practices:

a. Examining rates of pay and fringe benefits for present employees with equivalent duties, and adjusting any inequities found.

b. Advising all qualified employees whenever there is an opportunity to perform overtime work.

PART II

Assignors and transferors other than in the case of *pro forma* or involuntary assignments and transfers, and renewal applicants file the following exhibit:

Submit a report as Exhibit ____ indicating the manner in which the specific practices undertaken pursuant to the station's equal employment opportunity program have been applied and the effect of these practices upon the applications for employment, hiring and promotions of women and minority group members.

PART III

Assignors, transferors and applicants for renewal file the following exhibit:

Submit as Exhibit ____ a brief description of any complaint which has been filed before any body having competent jurisdiction under Federal, State, territorial or local law, alleging unlawful discrimination in the employment practices of the applicant, including the persons involved, the date of filing, the court or agency, the file number (if any), and the disposition or current status of the matter.

Appendix H

§ 73.125 EQUAL EMPLOYMENT OPPORTUNITIES

(a) General Policy. Equal opportunity in employment shall be afforded by all licensees or permittees of commercially or noncommercially operated standard, FM, television or international broadcast stations (as defined in this part) to all qualified persons, and no person shall be discriminated against in employment because of race, color, religion, national origin or sex.

(b) Equal employment opportunity program. Each station shall establish, maintain, and carry out, a positive continuing program of specific practices designed to assure equal opportunity in every aspect of station employment policy and practice. Under the terms of its program, a station shall:

(1) Define the responsibility of each level of management to insure a positive application and vigorous enforcement of the policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance.

(2) Inform its employees and recognized employee organizations of the positive equal employment opportunity policy and program and enlist their cooperation.

(3) Communicate the station's equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, national origin or sex, and solicit their recruitment assistance on a continuing basis.

(4) Conduct a continuing campaign to exclude every form of prejudice or discrimination based upon race, color, religion, national origin or sex, from the station's personnel policies and practices and working conditions.

(5) Conduct continuing review of job structure and employment practices and adopt positive recruitment, training, job design, and other measures needed in order to insure genuine equality of opportunity to participate fully in all organizational units, occupations, and levels of responsibility in the station.

(c) Applicants for construction permit for a new facility, for assignment of license or construction permit or for transfer of control (other than pro forma or involuntary assignments and transfers), and applicants for renewal of license who have not previously done so, shall file with the Commission programs designed to provide equal employment

opportunities for Negroes, Orientals, American Indians, Spanish-surnamed Americans, and women, or amendments to such programs. Guidelines for the preparation of such programs are set out in section VI of the appropriate application forms. See 32 FCC 2d 831. A program need not be filed by any station having less than five fulltime employees or with respect to any minority group which is represented in such insignificant numbers in the area that a program would not be meaningful. In the latter situation, a statement of explanation should be filed.

Appendix I

INSTRUCTIONS FOR COMPLETION OF FCC FORM 395

(Revised March 1972)

ANNUAL EMPLOYMENT REPORT

(The Report Form Consists of Sections I, II, III, IV and V)

GENERAL INSTRUCTIONS

1. **Who Must File.**

   a. All licensees and permittees of commercial and noncommercial AM, FM, Television and International BROADCAST stations with FIVE or more full-time employees.

   b. All licensees and permittees of COMMON CARRIER service stations with SIXTEEN or more full-time employees.

   c. All operators of CABLE TELEVISION SYSTEMS, both in that capacity and as licensees or permittees of cable television relay stations, if each such system (or "single employment unit" of which it is a part or "headquarters office" serving it) has FIVE or more full-time employees. (For discussion of term "single employment unit", see Section 76.311(b)(3).)

2. **When and Where to File.**

   Send TWO copies of each Annual Employment Report required under these instructions to the Federal Communications Commission 1919 M Street, N. W. Washington, D. C. 20554, no later than MAY 31 of each year.

3. **Reporting Period.**

   The employment data filed on FCC Form 395 must reflect the employment figures from any one payroll period in January, February, or March. The same payroll period should be used in each year's report.

4. **Reporting Units.**

   A - BROADCAST

   A separate Annual Employment Report (FCC Form 395) must be filed in duplicate:

   (1) *For each* AM, FM, TV and International Broadcast Station, whether commercial or noncommercial; except that a combined report may be filed for an AM and an FM station, both of which are:
   (a) under common ownership, *and*
   (b) assigned to the same principal city or to different cities within the same standard metropolitan statistical area.

   (2) For *each* Headquarters Office of a multiple station owner at which the employees perform duties solely related to the operation of more than one broadcast station (A separate Form 395 need not be filed to cover headquarters employees whose duties relate to the operation of an AM and an FM station covered in a combined AM-FM report under (1) above, if all such employees are included in such combined AM-FM Report).

   (3) As a Consolidated Report, covering all station and headquarters employees covered in the separate reports which a multiple station owner must file under (1) and (2) above.

DO NOT RETURN THESE INSTRUCTIONS TO THE COMMISSION

B - COMMON CARRIER

A separate Annual Employment Report (FCC Form 395) must be filed in duplicate for each common carrier licensee in the following services:

(1) International Fixed Public
  (a) Space
(2) Domestic Public Land Mobile
(3) Point to Point Microwave
(4) Domestic Public Air Ground
(5) Rural Radio Service
(6) Local TV Transmission
(7) Telephone
  (a) Domestic
  (b) International
(8) Telegraph
  (a) Domestic
  (b) International

C - CABLE TELEVISION

A separate Annual Employment Report (FCC Form 395) must be filed:

(1) For each cable television system (including related cable television relay stations). (Exception: A combined report shall be filed instead where required by Section 76.311(e)(2) of the Commission's rules.)

(2) For each Headquarters Office, if that office has 5 or more full-time employees and its work is primarily related to the operations of more than one cable television system. (Exception: Where the cable television systems in question constitute one employment unit, and all the employees who would be covered by the Headquarters Office report are covered in the combined "single employment unit" report, a separate Headquarters Office report need not be filed.)

(3) As a Consolidated Report, covering all system and headquarters office employees covered in the separate reports which a multiple system owner must file under (1) and (2) above.

5. **Job Categories.**

The following "job category definitions" should be used in completing FCC Form 395. A "Comboman" is to be listed in the job category which represents the most important work done by that person; a "comboman" is to be listed only once.

a. Officials and Managers -- Occupations requiring administrative personnel who set broad policies, exercise over-all responsibility for execution of these policies, and direct individual departments or special phases of a firm's operations. Includes: officials, executives, middle management, plant managers, department managers and superintendents, salaried foremen who are members of management, purchasing agents and buyers, and kindred workers.

b. Professional -- Occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background. Includes: on-the-air personnel, accountants and auditors, airplane pilots and navigators, architects, artists, chemists, designers, dietitians, editors, engineers, lawyers, librarians, mathematicians, natural scientists, registered professional nurses, personnel and labor relations workers, physical scientists, physicians, social scientists, teachers and kindred workers.

c. Technicians -- Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through about 2 years of post high school education, such as is offered in many technical institutes

and junior colleges, or through equivalent on-the-job training. Includes: computer programmers and operators, draftsmen, engineering aides, junior engineers, mathematical aides, licensed, practical or vocational nurses, photographers, radio operators, scientific assistants, surveyors, technical illustrators, technicians (medical, dental, electronic, physical sciences), and kindred workers.

d. Sales -- Occupations engaging wholly or primarily in direct selling. Includes: advertising agents and salesmen, insurance agents and brokers, real estate agents and brokers, stock and bond salesmen, demonstrators, salesmen and sales clerks, grocery clerks and cashier-checkers, and kindred workers.

e. Office and Clerical -- Includes all clerical-type work regardless of level of difficulty, where the activities are predominantly nonmanual though some manual work not directly involved with altering or transporting the products is included. Includes: bookkeepers, cashiers, collectors (bills and accounts), messengers and office boys, office machine operators, shipping and receiving clerks, stenographers, typists and secretaries, telegraph and telephone operators, and kindred workers.

f. Craftsmen (skilled) -- Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the process involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Includes: the building trades, hourly paid foremen and leadmen who are not members of management, mechanics and repairmen, skilled machining occupations, compositors and typesetters, electricians, engravers, job setters (metal), motion picture projectionlists, pattern and model makers, stationary engineers, tailors and tailoresses, and kindred workers.

g. Operatives (semiskilled) -- Workers who operate machine or processing equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. Includes: apprentices [1](auto mechanics, bricklayers, carpenters, electricians, machinists, mechanics, plumbers, building trades, metalworking trades, printing trades, etc.), operatives, attendants (auto service and parking), blasters, chauffeurs, deliverymen and routemen, dressmakers and seamstresses, (except factory), dyers, furnacemen, heaters (metal), laundry and dry cleaning operatives, milliners, mine operatives and laborers, motormen, oilers and greasers (except auto), painters (except construction and maintenance), photographic process workers, stationary firemen, truck and tractor drivers, weavers (textile), welders, and flamecutters, and kindred workers.

h. Laborers (unskilled) -- Workers in manual occupations which generally require no special training. Perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. Includes: garage laborers, car washers and greasers, gardeners (except farm) and groundskeepers, longshoremen and stevedores, lumbermen, raftsmen and wood choppers, laborers performing lifting, digging, mixing, loading and pulling operations, and kindred workers.

[1] Apprentices -- Persons employed in a program including work training and related instruction to learn a trade or craft which is traditionally considered an apprenticeship, regardless of whether the program is registered with a Federal or State agency.

i. Service Workers -- Workers in both protective and nonprotective service occupations. Includes: attendants (hospital and other institution, professional and personal service, including nurses aides, and orderlies), barbers, charwomen and cleaners, cooks (except household), counter and fountain workers, elevator operators, firemen and fire protection, guards and watchmen and doorkeepers, stewards, janitors, policemen and detectives, porters, waiters and waitresses, and kindred workers.

On-the-job trainees:

j. Production -- Persons engaged in formal training for Craftsmen (skilled) - when not trained under apprenticeship programs; Operatives (Semiskilled); Laborers (Unskilled); Service Workers; Apprentices.

k. White Collar -- Persons engaged in formal training for Officials and Managers; Professionals; Technicians; Sales; Office and Clerical.

6. **"All Employees".**

Include in this column *all* employees in the Reporting Unit covered in the individual FCC Form 395, not just the total employees falling within the four categories of "Minority Group Employees".

7. **Minority Group Identification.**

(a) Minority group information necessary for this section may be obtained either by visual surveys of the work force, or from post-employment records as to the identity of employees. An employee may be included in the minority group to which he or she appears to belong, or is regarded in the community as belonging.

(b) Since visual surveys are permitted, the fact that minority group identifications are not present on company records is not an excuse for failure to provide the data called for.

(c) Conducting a visual survey and keeping post-employment records of the race or ethnic origin of employees is legal in all jurisdictions and under all Federal and State laws. State laws prohibiting inquiries and record-keeping as to race, etc., relate only to applicants for jobs, not to employees.

(d) FCC Form 395 provides for reporting Negroes, American Indians, Orientals, and Spanish Surnamed Americans, wherever such persons are employed. For purposes of this report, the term Spanish Surnamed Americans is deemed to include all persons of Mexican, Puerto Rican, Cuban, or Spanish origin. Identification may be made by inspection of records bearing the employees' names, by visual survey, by employees' use of the Spanish language, or other indications that they belong to this group. The following States are among those having large concentrations of Spanish Surnamed Americans: Arizona, California, Colorado, Florida, New Jersey, New Mexico, New York and Texas. Large concentrations of Spanish Surnamed Americans are found in particular localities in other States. In Alaska, include Eskimos and Aleuts with "American Indian."

8. **Networks.**

Broadcast licensees who operate statewide, regional or national networks file separate "Headquarters" reports for personnel assigned directly and primarily to the network operation. In cases where there are network offices and staffs in more than one city, a "Headquarters" report is to be filed for each city.

FCC Form 395
March 1972

Federal Communications Commission
Washington, D. C. 20554

Form Approved
OMB No. 52-R0212

SUBMIT two copies to FCC

ANNUAL EMPLOYMENT REPORT 1972
(See Instructions)

SUBMIT two copies to FCC

SECTION I (applicable to all respondents)

1. Name and address of respondent

2. Check one, to indicate type of respondent

[ ] Broadcast Respondent
[ ] Common Carrier Respondent
[ ] Cable Television Respondent

SECTION II (applicable only to Broadcast and Cable Television respondents

1. Check one, to indicate type of Reporting Unit(s) covered in this Report:

[ ] For a single employment unit consisting of one or more stations or cable television systems

[ ] For a single Headquarters Office Report

[ ] A Consolidated Report

2. Answer A, B, C, or D to identify Reporting Unit(s) covered in this Report

A. If a Broadcast Station Report - (for other than a CAR station)

(1) Check *one* [ ] AM [ ] FM [ ] TV [ ] International [ ] AM-FM Combination

(2) Give: Call Letters _____ Location _____

(3) Check, if station is noncommercial: [ ]

B. If a Cable Television Single Employment Unit Report (i.e., for an employment unit consisting of one or more Cable Television Systems or Cable Television Relay Stations):

(1) Check *one* [ ] A Cable Television System

[ ] A combination consisting of any of the following:
(i) two or more Systems, or
(ii) two or more Stations, or
(iii) one or more Systems *and* one or more Stations

(2) Give -

Name of Cable Television System:

Community Served:

State:

C. If a *Headquarters Report*, list here (or in Appendix _____, if this space is insufficient) the Headquarters Office(s) covered in this Report.

Name of Headquarters Office(s)	Location of Headquarters Office(s)	Stations or Cable Television Systems supervised by listed Hdqrs. Office(s) (If station, list station; if cable system, list community served)

D. If a *Consolidated Report*, list here (or in Appendix _____, if this space is insufficient) the Headquarters, Stations, and Cable Television Systems covered in this Consolidated Report.

Headquarters Office(s) Names and Locations	Station Call Letters and Locations or Cable Systems and Communities Served

SECTION III - FULL-TIME PAID EMPLOYEES (applicable to all respondents)

JOB CATEGORIES[1]	ALL EMPLOYEES[2]			MINORITY GROUP EMPLOYEES							
				MALE				FEMALE			
	Total (Col. 2+3) (1)	Male (2)	Female (3)	Negro (4)	Oriental (5)	American Indian[3] (6)	Spanish Surnamed American (7)	Negro (8)	Oriental (9)	American Indian (10)	Spanish Surnamed American (11)
Officials and managers											
Professionals											
Technicians											
Sales workers											
Office and clerical											
Craftsmen (Skilled)											
Operatives (Semi-skilled)											
Laborers (Unskilled)											
Service workers											
TOTAL											
Total employment from previous report (if any)											

[1]Refer to Instructions for explanation of all title functions.

[2]Include "Minority Group Employees" and others. See instruction 6.

[3]In Alaska, include Eskimos and Aleuts with "American Indian."

SECTION IV - PART-TIME PAID EMPLOYEES (applicable to all respondents)

JOB CATEGORIES[1]	ALL EMPLOYEES[2]			MINORITY GROUP EMPLOYEES							
				MALE				FEMALE			
	Total (Col. 2+3) (1)	Male (2)	Female (3)	Negro (4)	Oriental (5)	American Indian[3] (6)	Spanish Surnamed American (7)	Negro (8)	Oriental (9)	American Indian (10)	Spanish Surnamed American (11)
Officials and managers											
Professionals											
Technicians											
Sales Workers											
Office and clerical											
Craftsmen (Skilled)											
Operatives (Semi-skilled)											
Laborers (Unskilled)											
Service workers											
TOTAL											
Total employment from previous report (if any)											

[1]Refer to Instructions for explanation of all title functions.

[2]Include "Minority Group Employees" and others. See instruction 6.

[3]In Alaska, include Eskimos and Aleuts with "American Indian."

SECTION V (applicable to all respondents)

(The data below shall also be included in the figures for the appropriate occupational categories in Sections III and IV)

JOB CATEGORIES		ALL EMPLOYEES[1]			MINORITY GROUP EMPLOYEES							
					MALE				FEMALE			
		Total (Col. 2+3)	Male (2)	Female (3)	Negro (4)	Oriental (5)	American Indian[2] (6)	Spanish Surnamed American (7)	Negro (8)	Oriental (9)	American Indian (10)	Spanish Surnamed American (11)
On-the-job trainees[3]	White collar											
	Production											

[1] Include "Minority Group Employees" and others. See instruction 6.

[2] In Alaska, include Eskimos and Aleuts with "American Indian."

[3] Report only employees enrolled in formal on-the-job training programs.

CERTIFICATION

(This report must be certified: by licensee, permittee, or owner of cable television system, if an individual; by a partner, if a partnership; by an officer, if a corporation or association; or by an attorney of licensee, permittee, or individual owner of cable system, in case of physical disability or absence from the United States of the licensee, permittee, or owner of the cable system.)

I certify that to the best of my knowledge, information and belief, all statements contained in this report are true and correct.

Signed . . . . . Title . . . . . .

Date . . . . . Name of Respondent . . . . . .
(must be the same as Item 1)

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE OR IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.